

Federal–State Court Cooperation:

Surveys of U.S. District and U.S. Court of Appeals Chief Judges
and State and Territorial Chief Justices and Court Administrators

*Prepared for the Judicial Conference Committee
on Federal–State Jurisdiction*

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Executive Summary

One of the missions of the Judicial Conference Committee on Federal–State Jurisdiction (Committee) is to promote cooperation between federal and state courts on issues of mutual interest. In 2016, the Federal Judicial Center (Center) published the report of a Committee-requested survey of U.S. chief district judges regarding their past, current, and future plans for cooperation with the state courts, as well as their use of state–federal judicial councils as a forum for communication between the courts. In 2022, the Committee requested that the Center repeat the survey to obtain updated information, this time including chief judges of the U.S. courts of appeals and chief justices of state/territorial supreme courts, as well as chief judges of the U.S. district courts. To obtain additional information about the state courts, the Center also surveyed state/territorial court administrators.

The response rates were higher for U.S. district chief judges ($n = 67$, 71%) and court of appeals chief judges ($n = 11$, 85%) than for state/territorial chief justices and state/territorial court administrators (combined $n = 30$, 56% of jurisdictions represented). The 30 state responses represented 30 distinct jurisdictions. The response rate for district chief judges was higher in the current survey than it was in the 2016 survey (52%).

When asked about state–federal judicial councils, most respondents (between 55% and 67%, depending on survey group) stated that their jurisdiction did not have an active council. Of those who reported that they did, their council varied in how often they met and who provided staff support. Respondents reported that councils can help improve communication between courts, but they also identified challenges, including finding topics to warrant holding council meetings.

Respondents were asked to identify whether their court cooperated currently, cooperated in the past, or planned to cooperate in the future on 43 topics, grouped into four categories (easing tensions between state and federal courts; shared resources; common concerns; educational programs). Overall, all respondent groups were most likely to report cooperating on *educational programming for the bar*. Not including the educational program category, U.S. district chief judges most often reported current or past cooperation with state courts on *attorney discipline and misconduct* and *shared courtrooms*, U.S. court of appeals chief judges most often reported current or past cooperation with state courts on *attorney discipline and misconduct* and *certification of issues of state law by federal courts*, and state/territorial respondents most often reported current or past cooperation with federal courts regarding *security concerns* and *certification of issues of state law by federal courts*. The lists below show the topics for which at least one-third of respondents in each survey group reported current or past cooperation.

U.S. District Chief Judges:

- Educational programs for the bar (75%)
- Attorney discipline and misconduct (72%)
- Educational programs for the general public (50%)
- Educational programs for students (held at the court) (47%)
- Shared courtrooms (45%)
- Educational programs for students (held at the school) (44%)
- Shared facilities/buildings (36%)
- Certification of issues of state law by federal courts (34%)

U.S. Court of Appeals Chief Judges:

- Educational programs for the bar (73%)
- Educational programs for the general public (66%)
- Attorney discipline and misconduct (70%)
- Educational programs for students (held at the school) (60%)
- Educational programs for students (held at the court) (60%)
- Certification of issues of state law by federal courts (45%)
- State legislation that could affect federal courts (44%)
- Educational programs for the press (44%)
- Federal legislation that could affect federal or state courts (38%)
- Repeat filers (frivolous cases) (38%)

State/Territorial Respondents:

- Educational programs for the bar (69%)
- Security concerns (56%)
- Certification of issues of state law by federal courts (51%)
- Attorney discipline and misconduct (50%)
- Emergency preparedness (Continuity of Operations (COOP) plans) (50%)
- Access to justice issues (e.g., self-represented litigants) (48%)
- Educational programs for students (held at the school) (47%)
- Educational programs for the general public (44%)
- Educational programs for students (held at the court) (41%)
- State court access to federal court records (40%)

Respondents were also asked, regardless of current or past cooperation, if additional cooperation would be useful on the 43 topics. They could check all that applied.

- U.S. district chief judges most often selected: *educational programs for the bar* (78%), *attorney discipline and misconduct* (73%), *educational programs for: the general public* (69%), *students (held at the school)* (69%), and *students (held at the court)* (64%), *court interpreter lists* (63%), *security concerns* (57%), and *certification of issues of state law by federal courts* (55%).
- U.S. court of appeals chief judges most often selected: *educational programs for: the bar, general public, students (held at the school), and students (held at the court)* (all four at 80%), *attorney discipline and misconduct* (70%), *certification of issues of state law by federal courts* (64%), *state court access to federal court records* (64%), *pro bono attorney lists* (60%), *access to justice issues* (60%), *security concerns* (60%), and *technology in the courtroom* (60%).
- State/territorial respondents most often selected: *educational programs for: the bar, general public, students (held at the school), and students (held at the court)* (each at 100%), *certification of issues of state law by federal courts* (93%), *court interpreter lists* (88%), *security concerns* (88%), *state court access to federal court records* (87%), *access to justice issues* (81%), *pro bono attorney lists* (75%), and *shared contact directories between state and federal judges* (73%).

Respondents also responded to questions about joint meeting attendance, how they interact with federal/state colleagues, and their general thoughts about federal–state cooperation. They also were invited to share examples of cooperation related to immigration, tribal, and MDL issues, though few provided such examples. In discussing how they cooperate with other courts, the respondents highlighted the importance of informal communication with colleagues via email, over the phone, and at events including lunches, meetings, and joint educational programs.

Introduction

Regular communication between state and federal courts can foster cooperation and joint solutions to common problems. As one of the stated purposes of the Judicial Conference Committee on Federal–State Jurisdiction (Committee) is to “serve as the conduit for communication on matters of mutual concern among the federal judiciary, state courts, and tribal courts, and supporting organizations . . . ,”¹ the Committee has long examined how to encourage such cooperation, either formally (through the establishment of state–federal judicial councils, joint educational programs, or on specific topics of mutual interest) or informally (through enhanced communication and invitations to engage with other courts).² Cooperation also enables more efficient use of time and resources for both federal and state courts, including when they face an emergency (e.g., through shared Continuity of Operations (COOP) plans), must respond to issues related to attorney discipline and misconduct, or seek to promote civics education through programming for the bar, students, and general public.³

This report summarizes responses to surveys requested by the Committee to better understand how, and on which topics, federal and state judges cooperate. This report provides numerous examples of topics courts are either currently cooperating on or have cooperated on in the past, as well as areas for future cooperation. Overall, effective cooperation between federal and state courts requires communication, coordination, and a willingness to work together to achieve common goals. As one U.S. chief district judge noted in response to the survey, “I believe there is great potential for improving the respective operations of both federal and state courts through cooperation.”

Background

In June 2016, the Committee asked the Federal Judicial Center (Center) to enumerate the different ways federal and state courts could cooperate in areas of mutual concern, and to then survey U.S. chief district judges regarding their past, present, and planned cooperation on those topics. Fifty-nine chief judges responded to topics such as certified questions of state law, joint educational programming, and sharing resources such as courtrooms and lists of interpreters. The survey also examined courts’ use of state–federal judicial councils, which provide a formal framework for relationship-building and cooperation on areas of mutual interest. That survey led to a Center report on the survey results⁴ and pocket guide for judges interested in state–federal judicial councils.⁵

In May 2022, the Committee requested a follow-up survey that would both update the 2017 survey findings and extend them in two important ways. First, while the earlier survey only went

1. Judicial Conference of the United States, Jurisdiction of the Committees of the Judicial Conference of the United States (as approved by the Executive Committee, eff. Mar. 14, 2022), at 9–10.

2. See Jason A. Cantone, Federal Judicial Center, *Enhancing Cooperation Through State–Federal Judicial Councils* (2017), available at <https://www.fjc.gov/content/323822/enhancing-cooperation-state-federal-judicial-councils>.

3. *Id.*

4. Jason A. Cantone, Federal Judicial Center, *Report on Federal–State Court Cooperation: A Survey of Federal Chief District Judges* (2017), available at <https://www.fjc.gov/content/321583/report-federal-state-court-cooperation-survey-federal-chief-district-judges>.

5. Cantone, *supra* note 2.

to U.S. chief district judges, the new survey would also go to U.S. court of appeals chief judges and state chief justices. In addition, short essay questions would allow judges to describe how they might cooperate on specific matters of continuing interest to the Committee (e.g., immigration, tribal law, complex litigation).

Survey Process

In August 2022, the Center electronically distributed the survey to all U.S. chief judges, including the 94 chief district judges, the 13 court of appeals chief judges, and the chief judges of the Court of Federal Claims and Court of International Trade. The cover email, signed by the Committee chair (a U.S. court of appeals judge), encouraged each judge to complete the survey. The judges were given two weeks to respond, and a reminder was sent three days before the survey closed. The response rates were high for chief district judges ($n = 67$, 71%) (compared to 52% for the 2016 survey) and chief circuit judges ($n = 11$, 85%).

In September 2022, the National Center for State Courts shared the state-focused survey on the Conference of Chief Justices listserv.⁶ The chief justices received a reminder email two weeks later, authored by the then-president of the Conference of Chief Justices (also a member of the Committee). Because of a lower-than-expected response rate, the chief justices were given two additional weeks to respond. When the survey then closed, 20 chief justices had answered the first two survey questions (noting their jurisdiction and whether their state has a federal–state judicial council), though only nine chief justices substantially completed the survey. This response rate was discussed at the December 2022 Committee meeting, and the Committee suggested sending a slightly shortened survey to state/territorial court administrators as another way to obtain the state court perspective. In January 2023, the National Center for State Courts shared the revised survey to the Conference of State Court Administrators (COSCA) listserv, this time with an email invitation from the COSCA president. After two weeks, 17 court administrators had completed at least the first two questions, but only eight substantially completed the survey. The final state/territorial response group included combined responses from 30 chief justices or court administrators representing 30 distinct states/territories (56% of jurisdictions surveyed).⁷

The overall structure of each survey was the same.⁸ Respondents first responded to questions about state–federal judicial councils. Then, respondents reviewed 43 topics for potential

6. The survey and email invitation language were revised for the chief justice audience. For example, the survey asked respondents to reflect on how they have engaged with the [state/federal] courts. All respondents received the same list of 43 topics, as well as the same additional questions unless noted otherwise herein.

7. The final state/territorial court sample started with all 37 responses from 20 chief justices and 17 court administrators. However, in seven states, both the chief justice and court administrator responded to the survey. Responses were then examined to determine overlap. For five of those states, one respondent did not complete more than the first two questions, and that respondent was removed from the sample. For the two additional states, the respondent who completed only a portion of the survey was removed. The respondents who provided more complete data were retained for each of the seven states.

8. As explained further in the text below, the Committee stated that a shorter survey could get an increased response rate and encouraged the Center to remove some questions. In response, the survey to court administrators did not include the section on specific topics (*immigration; tribal issues; MDL*) and there were fewer open-ended questions seeking the court administrators' additional views. The final catch-all open-ended question asking the court administrators to share their thoughts about federal–state cooperation remained.

cooperation, split into four categories: (1) easing tensions between state and federal court systems, (2) sharing resources, (3) common concerns, and (4) educational programming. Respondents first answered whether their court cooperated on each topic currently, in the past but not currently, never but were considering doing so, or never and were not planning to do so in the future. Regardless of their response, respondents shared whether they believed additional cooperation on that topic would be useful. Respondents then answered a series of questions about other ways to cooperate (e.g., through joint meetings) and on special topics of interest to the Committee. Finally, respondents were provided with an open-ended question where they could share their thoughts on federal–state cooperation.

The analysis of results, below, proceeds through these questions in order, separately for each group of respondents: U.S. chief district judges, U.S. chief circuit judges, and then a combined presentation of responses from the state/territorial respondents (state supreme court chief justices and state court administrators). Within each section, not all table totals are the same, as not all respondents answered all questions.

U.S. District Chief Judges Survey

Sixty-seven U.S. district chief judges (71% of 94) completed all or part of the survey, more than the 59 chief district judges (52%) who responded to the 2016 survey. Their responses are provided below, with some comparisons to the 2016 survey results.

State–Federal Judicial Councils

The district chief judges first identified if their state has a state–federal judicial council that meets, formally or informally, to discuss issues of mutual concern. Most judges (67%) said they do not, which is similar to the 63% who said they did not in the 2016 survey. (See Table 1.) Eleven judges (16%) said “yes” and six (9%) said “yes, but it is currently inactive.” Five judges (8%) selected “other.” Of those five, three stated that they did not know, one noted that their court is a small jurisdiction and that there are close judicial relationships outside of a formal state–federal judicial council, and one noted that their state bar has a committee that includes state and federal practitioners and judges.

Table 1. Does your state have a state–federal judicial council that meets, formally or informally, to discuss issues of mutual concern?

Response	Frequency (% of total)
Yes	11 (16%)
Yes, but it is currently inactive	6 (9%)
No	45 (67%)
Other	5 (8%)
Total	61

The 22 district chief judges who did not select “no” were asked four additional questions about state–federal judicial councils.⁹

Twenty-one judges reported whether they had ever served on their state–federal judicial council. Twelve (57%) said they had never served on their state–federal judicial council, seven (33%) said they were currently serving on the council, and two (10%) said they had served in the past, but were not currently serving.

Seventeen judges described how frequently their state–federal judicial council met. The responses varied: six (35%) said twice a year, four (24%) said annually, three (18%) said less than once a year, two (12%) said they met on an as-needed basis, one (6%) said at least quarterly, and one (6%) said that their state–federal judicial council once met annually but has not met in five years.

Seventeen judges provided information on administrative staffing for the state–federal judicial council. The judges responded that support came from the chambers staff of the judge serving as council chair (33%), that no staffing support is needed (27%), or that the federal and state courts both contribute (20%). The remaining 20% of judges said they were not sure.

The judges were invited, in an open-ended question, to further describe their state–federal judicial council, including what tasks it performs and who comprises the council. Twelve judges responded.

- Of the five judges who described the composition of their council, four generally noted that the council includes both state and federal judges. One judge stated that “all Federal judges and the State Supreme Court Justices and State Court of Appeals Judges as well as the Federal Clerk of the Court and the State Clerk of the Court” are eligible to join their state–federal judicial council.
- Seven judges described tasks that the council performs. The judges generally stated that the major goal is communication, “the fostering of cooperation” and informal discussions on issues of common interest. Additional judges noted a focus on topics such as judicial security, educational programming, and coordination of rules.
- Four judges shared why their council isn’t used: because it is difficult “finding useful areas of overlapping need and concern” or because the relationship between state and federal courts in their jurisdiction is already “excellent” and benefits from “a good deal of informal communication.”
- One judge stated that a state bar committee holds an annual dinner attended by judges and state and federal practitioners.

9. The number of judges who responded to each question varied and is presented alongside discussion of each question.

Areas of State–Federal Cooperation

All district chief judges were asked whether their federal courts cooperate with the state courts on 43 topics, presented in the four separate categories below.¹⁰

Easing tensions between state and federal courts

The first category included eight topics focused on easing tensions between state and federal courts. As shown in Table 2, the most common response for each topic was that the court had never cooperated in the area, and does not plan to do so in the future. Judges most often reported current or past cooperation regarding:

- Certification of issues of state law by federal courts (34%)¹¹
- State court access to federal court records (29%)
- Calendaring and scheduling conflicts for unrelated matters (28%)
- Contact directories between state and federal judges (28%)

Further, about one-quarter of judges (24%) reported current or past cooperation on *coordinating joint proceedings in related cases*, or *dual prosecution of state and federal criminal offenses*. Few judges reported current or past cooperation on *bankruptcy issues* (14%) or *collateral attacks on state proceedings in federal court (e.g., habeas corpus)* (10%).¹²

10. The 43 topics represent the 42 topics from the 2016 survey and one additional topic: *educational programs for students (held at the court)*. This topic was added in response to comments from the judges in the 2016 survey that educational programs for students were held both at schools and at the court and warranted different questions. Additionally, the wording of three topics in the common concerns category was slightly revised, as described in the footnotes below that table.

11. In response to research requests from the Committee, the Center has prepared two reports regarding certification of issues of state law. See Jason A. Cantone & Carly E. Giffin, Federal Judicial Center, *Certified Questions of State Law: An Examination of State and Territorial Authorizing Statutes* (2020), available at <https://www.fjc.gov/content/349365/certified-questions-state-law-examination-state-and-territorial-authorizing-statutes>; Jason A. Cantone & Carly E. Giffin, Federal Judicial Center, *Certification of Questions of State Law in the U.S. Courts of Appeals for the Third, Sixth, and Ninth Circuits (2010–2018)* (2020), available at <https://www.fjc.gov/content/349364/certification-questions-state-law-us-courts-appeals-third-sixth-and-ninth-circuits>. See also Kathleen Foley & Jason A. Cantone, Federal Judicial Center, *Resolving Unsettled Questions of State Law: A Pocket Guide for Federal Judges* (2022), available at <https://www.fjc.gov/content/373468/resolving-unsettled-questions-state-law-pocket-guide-federal-judges>; Jason A. Cantone & Carly Giffin, *Certified Questions of State Law: An Empirical Examination of Use in Three U.S. Courts of Appeals*, 53 U. Tol. L. Rev. 1 (2021).

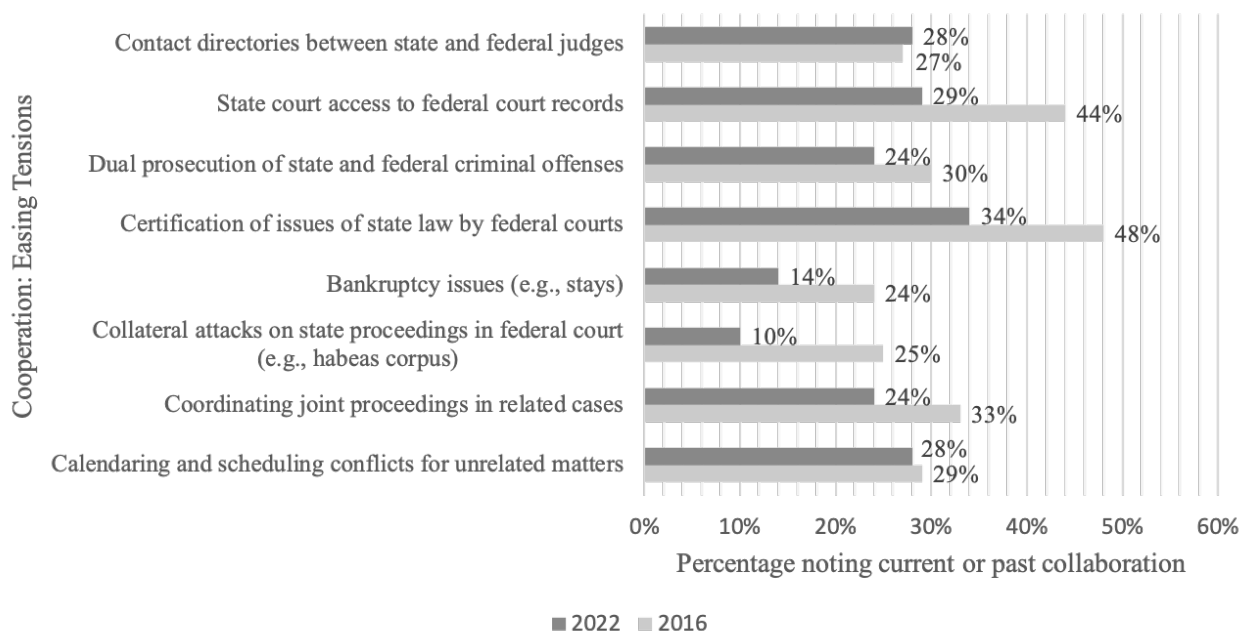
12. The chief district judges were invited to suggest additional topics for this category. One judge noted past cooperation regarding *law clerk hiring*; another noted *naturalization ceremonies*.

Table 2. Topics Regarding Easing Tensions Between State and Federal Courts

Topic	Does your federal district court cooperate with the state court system on any of the below topics?				Total
	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	
Calendaring and scheduling conflicts for unrelated matters	13 (20%)	5 (8%)	1 (2%)	46 (71%)	65
Coordinating joint proceedings in related cases	10 (15%)	6 (9%)	3 (5%)	46 (71%)	65
Collateral attacks on state proceedings in federal court (e.g., habeas corpus)	5 (8%)	1 (2%)	4 (6%)	55 (85%)	65
Bankruptcy issues (e.g., stays)	5 (8%)	4 (6%)	3 (5%)	53 (82%)	65
Certification of issues of state law by federal courts	16 (25%)	6 (9%)	1 (2%)	42 (65%)	65
Dual prosecution of state and federal criminal offenses	12 (19%)	3 (5%)	0 (0%)	48 (76%)	63
State court access to federal court records	13 (21%)	5 (8%)	3 (5%)	43 (68%)	63
Contact directories between state and federal judges	14 (22%)	4 (6%)	3 (5%)	43 (67%)	64

Figure 1 compares the district chief judge responses from the 2016 and 2022 surveys. In 2022, fewer judges reported current or past cooperation for each topic, as compared to 2016, with two exceptions. The percentages of judges were nearly identical between the two years for *contact directories between state and federal judges* and for *calendaring and scheduling conflicts for unrelated matters*. The most notable drops in reported current or past cooperation concerned *state court access to federal court records* (dropping from 44% to 29%), *collateral attacks on state proceedings in federal court* (dropping from 25% to 10%), and *certification of issues of state law by federal courts* (dropping from 48% to 34%).

Figure 1. Topics Regarding Easing Tensions Between State and Federal Courts (Comparison of 2016 and 2022 Survey Results)



The judges then reported, regardless of their current or past cooperation, whether additional cooperation on any of the above topics would be useful to ease tensions between state and federal courts. Judges could select all that applied. Judges were most likely to report a benefit of additional cooperation on *certification of issues of state law by federal courts* (55%). The list below shows for each topic the percentage of judges who reported that more cooperation would be useful:

- Certification of issues of state law by federal courts (55%)
- Coordinating joint proceedings in related cases (52%)
- Contact directories between state and federal judges (52%)
- Collateral attacks on state proceedings in federal court (e.g., habeas corpus) (37%)
- Dual prosecution of state and federal criminal offenses (37%)
- State court access to federal court records (37%)
- Calendaring and scheduling conflicts for unrelated matters (31%)
- Bankruptcy issues (e.g., stays) (22%)

Interestingly, while Figure 1 showed that reported cooperation decreased between 2016 and 2022 for seven of the eight topics, the percentage of judges who stated that additional cooperation would be useful increased between 2016 and 2022 for all eight topics. For example, while the percentage of judges identifying current or past cooperation regarding *certification of issues of state law by federal courts* dropped from 48% in 2016 to 34% in 2022, the percentage of judges who said that cooperation on that topic would be useful increased from 34% in 2016 to 55% in 2022. Even for the topic that judges least often reported as needing additional

cooperation in both years of surveys (*bankruptcy issues*), the percentage increased from 12% in 2016 to 22% in 2022.

Shared resources

The second category included nine shared-resources topics. The district chief judges were again asked whether their federal district cooperated with the state court on any of the topics and if additional cooperation would be useful.

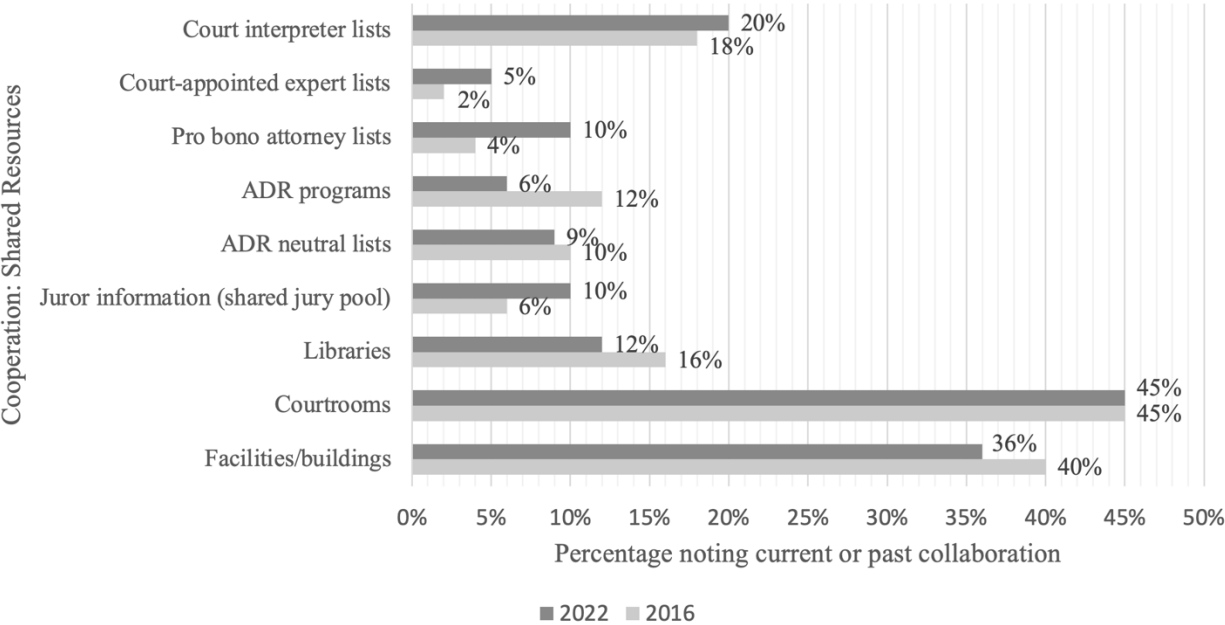
As shown in Table 3, for all nine topics, judges most often selected that they have never cooperated in the area and do not plan to do so in the future. The topics with the most current or past cooperation were shared *courtrooms* (45%) and *facilities/buildings* (36%). The next most common shared-resources topics were *court interpreter lists* (20%) and *libraries* (12%). For the remaining five topics, 10% or fewer judges reported current or past cooperation.

Table 3. Topics Regarding Shared Resources

Topic	Does your federal district court cooperate with the state court system on any of the below topics?				Total
	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	
Facilities/buildings	9 (14%)	14 (22%)	0 (0%)	40 (63%)	63
Courtrooms	10 (16%)	18 (29%)	0 (0%)	34 (55%)	62
Libraries	3 (5%)	4 (7%)	0 (0%)	53 (88%)	60
Juror information (shared jury pool)	3 (5%)	3 (5%)	0 (0%)	55 (90%)	61
ADR neutral lists	4 (7%)	1 (2%)	4 (7%)	52 (85%)	61
ADR programs	2 (3%)	2 (3%)	3 (5%)	53 (88%)	60
Pro bono attorney lists	5 (8%)	1 (2%)	5 (8%)	50 (82%)	61
Court-appointed expert lists	2 (3%)	1 (2%)	2 (3%)	54 (92%)	59
Court interpreter lists	11 (18%)	1 (2%)	3 (5%)	45 (75%)	60

Figure 2 compares the district chief judge data from the 2016 and 2022 surveys. *Courtrooms* were the most commonly reported shared resource across both survey periods (45% in both 2016 and 2022). Among the shared-resources topics, judges in 2022 reported increased current or past cooperation on four of the nine topics, though no increase was more than 6% (the percentage for *pro bono attorney lists* increased from 4% to 10%). Further, reported current or past cooperation slightly decreased for four topics, most notably for *ADR programs* by 6% (from 12% to 6%).

Figure 2. Topics Regarding Shared Resources Between State and Federal Courts (Change from 2016 to 2022 Survey Results)



The judges then reported, regardless of their current or past cooperation, whether additional cooperation on the shared-resources topics would be useful. Judges could select all that applied. Judges most often selected that additional cooperation on *court interpreter lists* would be useful (63%). The list below shows for each topic the percentage of judges who reported that more cooperation would be useful:

- Court interpreter lists (63%)
- Pro bono attorney lists (45%)
- ADR neutral lists (37%)
- Courtrooms (36%)
- ADR programs (30%)
- Facilities/buildings (30%)
- Court-appointed experts (25%)
- Libraries (21%)
- Juror information (shared jury pool) (16%)

Across all nine shared-resources topics, compared to judges in 2016, the judges in 2022 were more likely to state that additional cooperation would be useful. For example, the percentage of judges who said that additional cooperation on sharing *court interpreter lists* would be useful increased from 34% in 2016 to 63% in 2022. Likewise, the percentage of judges who identified that additional cooperation on shared *courtrooms* would be useful increased from 15% in 2016 to 36% in 2022. Even the topic that judges least often identified as needing additional cooperation (*juror information*) increased from 9% in 2016 to 16% in 2022.

Common concerns

The third category of topics included 20 common concerns involving state and federal courts. As shown in Table 4, the district chief judges most often reported current or past cooperation on *attorney discipline and misconduct* (72%). This was the second-highest reported cooperation percentage across all 43 survey topics.¹³ The next most commonly selected topics were reported as having less than half as much current or past cooperation: *technology in the courtroom* (31%) and *security concerns* (30%).¹⁴

Additionally, the common concerns category had the only topics across the entire survey where more than 10% of judges reported that they had never cooperated in the area but are considering doing so in the future. Those four topics were: *reducing bias* (12%), *state legislation that could affect federal courts* (12%), *federal legislation that could affect federal or state courts* (12%), and *repeat filers (frivolous cases)* (11%).

13. The most commonly selected topic regarded educational programming and is presented in the next section.

14. At least 15% of the judges noted current or past cooperation on four additional topics: *emergency preparedness* (23%), *complex litigation* (22%), *state legislation that could affect federal courts* (17%), and *reducing bias (e.g., gender or racial bias)* (14%). Five percent or fewer judges noted current or past cooperation on the remaining six topics: *immigration issues* (5%), *electronic discovery issues* (5%), *legal decisions that could affect federal or state courts* (4%), *diversity jurisdiction* (4%), *discovery disputes* (3%), and *funding/judicial budgeting* (0%).

Table 4. Topics Regarding Common Concerns

Topic	Does your federal district court cooperate with the state court system on any of the below topics?				Total
	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	
Attorney discipline and misconduct	46 (70%)	1 (2%)	2 (3%)	17 (26%)	66
Technology in the courtroom (e.g., remote proceedings; video teleconferencing for prisoners; cameras) ¹	13 (20%)	7 (11%)	2 (3%)	43 (66%)	65
Media relations	6 (9%)	0 (0%)	3 (5%)	56 (86%)	65
Funding and judicial budgeting	0 (0%)	0 (0%)	1 (2%)	64 (98%)	65
Immigration issues (e.g., status of criminal defendants)	3 (5%)	0 (0%)	2 (3%)	61 (92%)	66
Complex litigation (e.g., MDLs and other mass tort and class action litigation) ²	11 (17%)	3 (5%)	3 (5%)	49 (74%)	66
Issues relevant to tribal courts	5 (8%)	3 (5%)	1 (2%)	56 (86%)	65
Security concerns	12 (18%)	8 (12%)	6 (9%)	39 (60%)	65
Access to justice issues (e.g., self-represented litigants)	10 (15%)	1 (2%)	4 (6%)	50 (77%)	65
Discovery disputes	2 (3%)	0 (0%)	4 (6%)	60 (91%)	66
Electronic discovery issues	1 (2%)	2 (3%)	3 (5%)	59 (91%)	65
Emergency preparedness (Continuity of Operations (COOP) plans)	10 (15%)	5 (8%)	6 (9%)	44 (68%)	65

Does your federal district court cooperate with the state court system on any of the below topics?

Topic	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	Total
Reducing bias (e.g., gender or racial bias) ³	6 (9%)	3 (5%)	8 (12%)	48 (74%)	65
State legislation that could affect federal courts	5 (8%)	6 (9%)	8 (12%)	46 (71%)	65
Federal legislation that could affect federal or state courts	2 (3%)	5 (8%)	8 (12%)	50 (77%)	65
Litigation against state and local governments	2 (3%)	2 (3%)	1 (2%)	59 (92%)	64
Changes to the Federal Rules	3 (5%)	3 (5%)	3 (5%)	56 (86%)	65
Legal decisions that could affect federal or state courts	1 (2%)	1 (2%)	3 (5%)	60 (92%)	65
Diversity jurisdiction (e.g., removal; fraudulent joinder)	1 (2%)	1 (2%)	4 (6%)	59 (91%)	65
Repeat filers (frivolous cases)	0 (0%)	4 (6%)	7 (11%)	52 (83%)	63

¹ The phrase “remote proceedings” was added to the topic name for the 2022 survey in response to increased use during the Covid-19 pandemic.

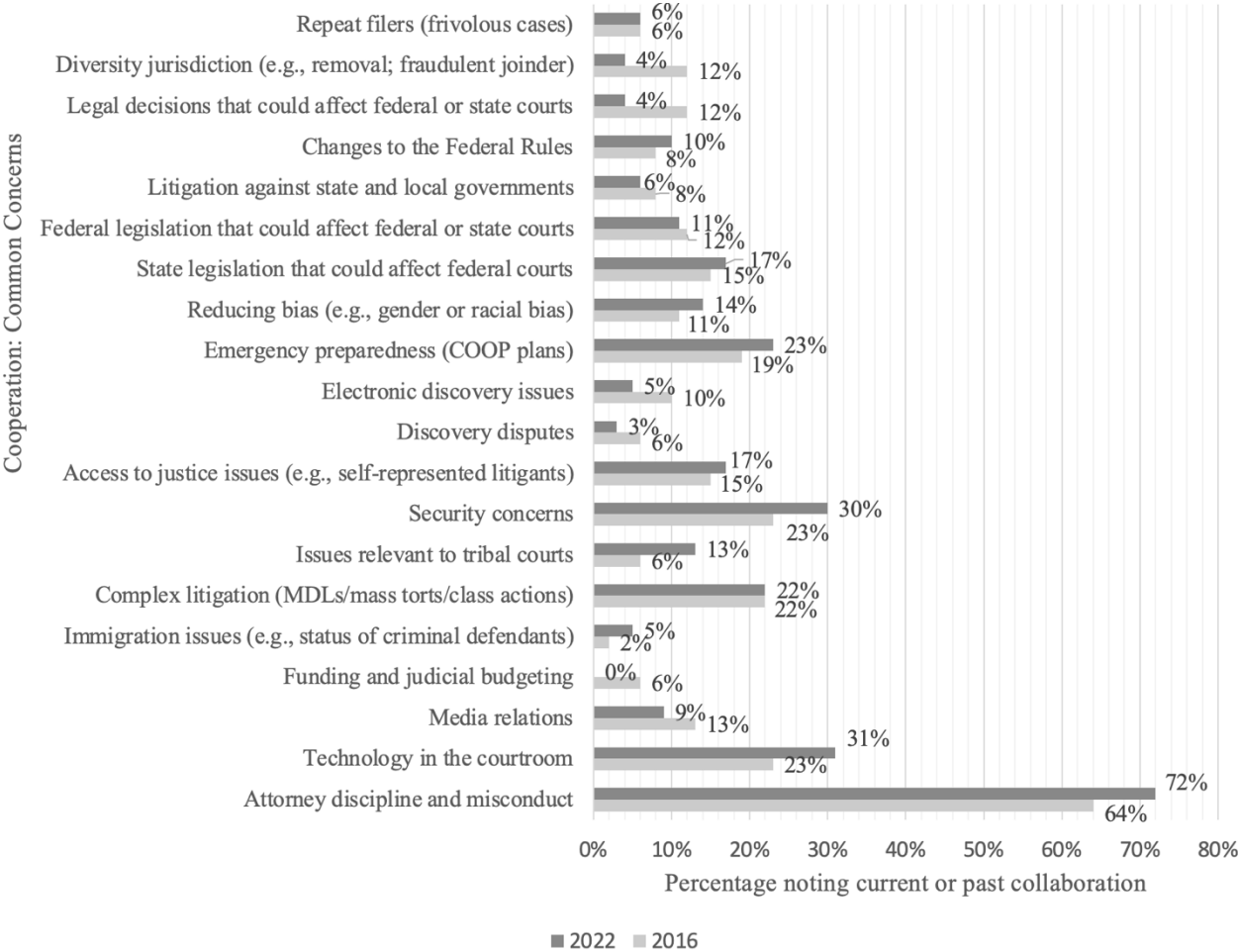
² In response to suggestions from the Judicial Panel on Multidistrict Litigation (JPML), this item was expanded from “complex litigation” to include examples.

³ This item was changed from “eliminating racial and gender bias” to recognize that biases can be reduced but rarely, if ever, eliminated entirely.

Figure 3 compares the chief district judge responses from the 2016 and 2022 surveys. Compared to 2016, the judges in the 2022 survey were more or equally likely to report current or past cooperation for 12 of the 20 topics. The largest increases were for *attorney discipline and misconduct* (increasing from 64% to 72%), *technology in the courtroom* (increasing from 23% to 31%), and *issues relevant to tribal courts* (increasing from 6% to 13%).

For the remaining eight topics, the 2022 judges were less likely than the 2016 judges to report current or past cooperation. The largest decreases were for *legal decisions that could affect federal or state courts* and *diversity jurisdiction* (both decreasing from 12% to 4%).

Figure 3. Topics Regarding Common Concerns Between State and Federal Courts (Change from 2016 to 2022 Survey Results)



The judges then reported, regardless of their current or past cooperation, whether additional cooperation on the above topics would be useful. Judges could select all that applied. Judges were most likely to note a benefit of additional cooperation regarding *attorney discipline and misconduct* (73%). The list below shows for each topic the percentage of judges who reported that more cooperation would be useful:

- Attorney discipline and misconduct (73%)
- Security concerns (57%)
- Emergency preparedness (Continuity of Operations (COOP) plans) (54%)
- Repeat filers (frivolous cases) (48%)
- State legislation that could affect federal courts (42%)
- Access to justice issues (e.g., self-represented litigants) (36%)
- Complex litigation (e.g., MDLs and other mass tort and class action litigation) (34%)
- Federal legislation that could affect the federal or state courts (33%)
- Technology in the courtroom (e.g., remote proceedings, video conferencing for prisoners; cameras) (31%)
- Reducing bias (e.g., gender or racial bias) (28%)
- Legal decisions that could affect federal or state courts (21%)
- Issues relevant to tribal courts (19%)
- Media relations (19%)
- Diversity jurisdiction (e.g., removal; fraudulent joinder) (18%)
- Immigration issues (e.g., status of criminal defendants) (18%)
- Changes to the Federal Rules (13%)
- Litigation against state and local governments (12%)
- Electronic discovery issues (9%)
- Discovery disputes (8%)
- Funding and judicial budgeting (8%)

As compared to 2016, the judges in 2022 more often (or equally) reported that additional cooperation would be useful for 15 of the 20 common concern topics. The largest increases were for *attorney discipline and misconduct* (increasing from 51% to 73%), *emergency preparedness* (increasing from 34% to 54%), *state legislation that could affect federal courts* (increasing from 20% to 42%), and *security concerns* (increasing from 39% to 57%). Interest in additional cooperation on *issues relevant to tribal courts* nearly doubled from 10% to 19%.

The 2022 judges were less likely to report that additional cooperation would be useful for five topics, though decreases were generally small. The largest decrease was for *discovery disputes* (decreasing from 14% to 8%).

Educational programs

The final category included six educational program topics.¹⁵ As shown in Table 5, most chief district judges reported current or past cooperation on *programs for the bar* (75%), the highest reported cooperation percentage across all 43 topics. Additionally, about half of the judges reported current or past cooperation on *programs for the general public* (50%), *programs for students (held at the court)* (47%), and *programs for students (held at the school)* (44%). Fewer judges reported current or past cooperation on *programs for the press* (19%) or *videos/recordings to be used for educational outreach* (11%).¹⁶

Table 5. Topics Regarding Educational Programs

Does your federal district court cooperate with the state court system on any of the below topics?					
Topic	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	Total
Programs for the bar	39 (60%)	10 (15%)	1 (2%)	15 (23%)	65
Programs for the general public	20 (31%)	12 (19%)	3 (5%)	29 (45%)	64
Programs for students (held at the school)	16 (25%)	12 (19%)	4 (6%)	32 (50%)	64
Programs for students (held at the court)	17 (27%)	13 (20%)	4 (6%)	30 (47%)	64
Programs for the press	7 (11%)	5 (8%)	3 (5%)	47 (76%)	62
Videos/recordings to be used for educational outreach	4 (6%)	3 (5%)	6 (10%)	49 (79%)	62

¹ This topic was added for the 2022 survey.

Figure 4 compares the chief district judge responses from the 2016 and 2022 surveys.¹⁷ In 2022, more judges reported current or past cooperation on all types of educational programs.

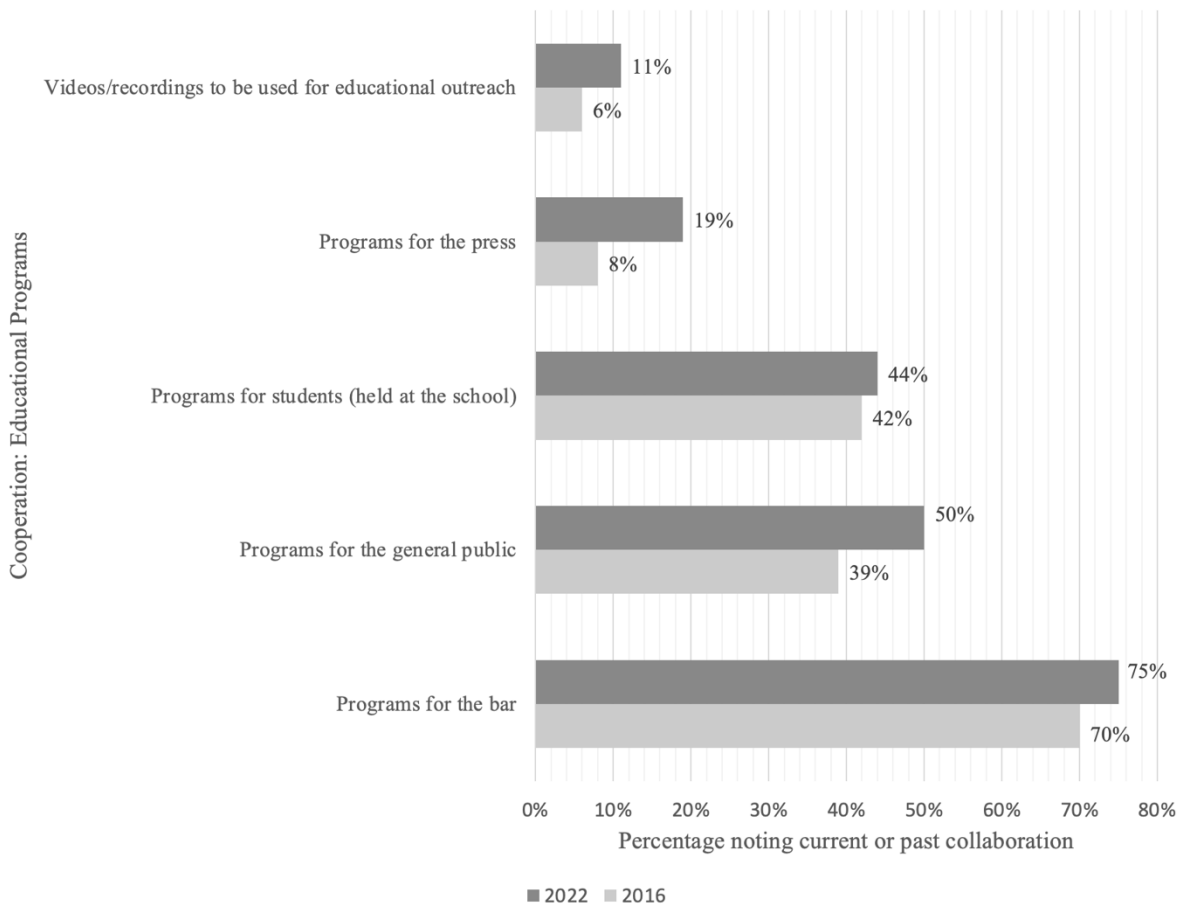
15. The topic of *programs for students (held at the court)* was added for the 2022 survey in response to judges' suggestions in the 2016 survey comments. See *supra* note 10.

16. Judges were invited to also list other educational cooperations; one noted *moot court competitions*.

17. *Programs for students (held at the court)* is not included, as it was only asked in the 2022 survey.

The largest increases were for *programs for the general public* (increasing from 39% to 50%) and *programs for the press* (increasing from 8% to 19%).

Figure 4. Topics Regarding Educational Programs (Change from 2016 to 2022 Survey Results)



The judges then reported, regardless of their current or past cooperation, whether additional cooperation on any of the above educational program topics would be useful. Judges could select all that applied. More than two-thirds of judges reported that additional cooperation regarding *programs for the bar* (78%), *general public* (69%), and *students (held at the school)* (69%) would be useful, followed closely by *programs for students (held at the court)* (64%). The list below shows for each topic the percentage of judges who reported that more cooperation would be useful:

- Programs for the bar (78%)
- Programs for the general public (69%)
- Programs for students (held at the school) (69%)
- Programs for students (held at the court) (64%)
- Videos/recordings to be used for educational outreach (46%)
- Programs for the press (36%)

Compared to judges in 2016, judges in 2022 more often reported that additional cooperation would be useful for each of the educational program types.¹⁸ For example, the percentage of judges who said additional cooperation on *programs for the bar* would be useful increased from 44% in 2016 to 78% in 2022; for *programs for the general public*, the percentage increased from 29% to 69%. Even the program type judges least often identified in both the 2016 and 2022 surveys (*programs for the press*) increased from 9% to 36%.

The judges then were invited to share any additional examples of educational programs when their court has partnered or will soon partner with the state courts. Fourteen judges provided the following examples of topics:

- Civil discourse
- Differences and similarities between state and federal rules and procedures
- High school mock trials with active participation by state and federal judges
- High school programs on the legal profession and how the courts operate
- Journalist institutes
- Jury diversification (to study racial diversity of state and federal juries and potential remedies)
- A litigation academy open to the bar, which includes both federal and state judges
- POWER Act compliance
- Pro bono cases in federal and state courts
- Sentencing rules (differences between federal and state rules)
- Teachers institute for high school teachers
- Tours of federal and state courthouses for high school students and law schools' minority bar associations and clubs
- Training seminars at the annual state bar association conference
- Trial institute for all lawyers interested in litigation

One judge noted that their court invites “state court judges to attend our district conference.” This opportunity for cooperation is addressed in the next section.

Engagement with the State Courts

The district chief judges were asked to describe how they have interacted with the state courts. They first responded to questions about joint meeting attendance, and then were given an opportunity to expand on opportunities to engage with the state courts.

Joint meeting attendance

About one-third (32%) of the judges reported that their federal court invites state judges to bench meetings (e.g., annual meetings, “lunch and learn” discussions); about two-thirds (65%) said that they do not.¹⁹ The remaining two judges selected “other” and noted joint attendance at

18. Again, the topic of *programs for students (held at the court)* was added to the 2022 survey so no comparisons can be made.

19. Two judges selected “other” and identified that they invite state judges “occasionally,” “sometimes,” or “in the past.” These answers were combined in the “yes” category.

Inns of Court sessions or at an annual dinner attended by both federal judges and state supreme court justices.

The judges were also asked if state courts invite federal judges to state meetings. Again, about one-third of judges (31%) said yes, while about two-thirds (64%) said no. The remaining three judges selected “other” and said, “not regularly of late,” that the state bar allows federal judges to serve on their judicial committees, or that the state supreme court once invited federal district judges to a luncheon.

Compared to the 2016 survey, a higher percentage of chief district judges in 2022 reported that they invite state judges to federal bench meetings (increasing from 23% in 2016 to 32% in 2022) and that they were invited to state bench meetings (increasing from 29% in 2016 to 31% in 2022).

Additional interactions

The district chief judges were asked to describe how they have interacted with the state courts (e.g., at informal meetings at bar events, “lunch and learn” discussions, personal communication, formal programs, state–federal judicial councils). Forty-nine judges responded. Overall, the judges shared that they had informal, personal communications with their state court colleagues. Many noted a “close relationship” with “constant communication” (via email, over the phone, or at lunches) and “hand-in-glove collaborating.” For example, one judge stated that “The Chief Justice and I confer and work together from time to time as needed on specific issues.” Some judges noted that, especially in a smaller state, informal communication is easier, as federal and state judges already know each other. One judge noted reaching out to state judicial colleagues if they are being considered for the federal bench.

Other judges identified specific events at which they interact with state court colleagues. These events include bar association meetings, judicial investitures, bench meetings and events, Inns of Court, luncheons, and civics/educational programming.

Some judges stated that they actively engaged with the state courts on issues related to the Covid-19 pandemic, with the pandemic making communication between courts “more frequent.”

Of the 49 judges responding to this question, only three judges stated that they interacted with the state courts “rarely” or “minimally.”

Emerging Areas of Cooperation

The district chief judges were invited to provide examples of state–federal cooperation in three specific areas: issues related to tribal courts and tribal law, immigration, and MDL proceedings (e.g., general pretrial scheduling, common discovery, bellwether trials, and settlement efforts).²⁰ A small number of judges provided examples, as described below.

Tribal courts. Eight judges provided examples of how their courts cooperated on issues related to tribal courts. Four judges described joint meetings: meetings held with joint state, federal, and tribal attendees, a forum on tribal issues, an annual conference on tribal law, and their state bar’s annual Sovereignty Symposium focused on tribal law issues. Two judges noted

20. The *MDL proceedings* category was added in consultation with the Judicial Panel on Multidistrict Litigation (JPML).

active cooperation in response to the *McGirt v. Oklahoma* decision. One judge noted that tribal issues are discussed within their state's POWER Act seminars. One judge stated that "we are constantly trying to maintain good relationships with the tribes and the tribal members."

Immigration. Two judges responded to the immigration prompt. One judge said that their court encourages cooperation with the U.S. marshals and state courts when cases involve federally detained immigrants. Another judge shared that state detention facilities do not always cooperate with the federal courts and that better cooperation is needed.

MDL Proceedings. Eleven judges commented on cooperation related to MDL proceedings. Most of those judges noted federal–state coordination of MDL proceedings. One judge stated, "As an MDL Judge, I have on several occasions met and conferred with state court judges to discuss coordination of proceedings. State court judges and I have presided over the same proceedings, and we have coordinated discovery. Such cooperation fosters judicial efficiency and economy, as well as reduces inconsistent decisions and avoids unnecessary expenses." Two judges specifically noted that cooperation related to MDL is done "on a case by case" or "judge by judge" basis.

Additional Feedback

Finally, the district chief judges were asked to provide any additional feedback on federal–state cooperation. Thirteen did. About half (six) of those judges shared that they were encouraged to expand their efforts to cooperate with the state courts. For example, one judge stated that the "survey prompted me to consider reaching out to the State Courts to start a culture of better cooperation" while other judges noted that they "obviously aren't pursuing some helpful opportunities" or that "much more needs to be done in our district." Another judge stated that, "I believe there is great potential for improving the respective operations of both federal and state courts through cooperation. Historically in this district, we have not pursued cooperation. I hope to change that during my tenure as chief." Specific topics identified for future cooperation included certification of issues of state law and the housing and transportation of incarcerated individuals.

Three judges stated that informal approaches to federal–state cooperation add value, especially in more rural settings and smaller states. One judge shared that the judges in their state did not like the formal nature of a state–federal judicial council and "did not find it to be beneficial."

Two judges noted that state–federal judicial councils are not used because the judges already "have numerous opportunities to socialize with another" or that "there are not a lot of meaningful gaps or opportunities to collaborate."

One judge stated that they "do not appear to have an interested partner at the state level," while another judge expressed concern with burdening the state courts, sharing that "our state counterparts are far busier than we are . . . I never want my state colleagues to think that I am pushing some sort of federal initiative on them."

U.S. Court of Appeals Chief Judges Survey

Eleven U.S. court of appeals chief judges (85% of 13) completed all or part of the survey. As in the chief district judge survey, the chief court of appeals judges first responded to questions about state–federal judicial councils and then examined 43 different potential areas for cooperation before answering final questions on emerging topics and engagement with state courts. The 2016 survey did not include U.S. chief court of appeals judge respondents, so no comparisons are made below.

State–Federal Judicial Councils

The court of appeals chief judges first identified if there were any state–federal judicial councils that meet, informally or formally, within their circuit. As shown in Table 6, six (55%) of the judges said that there was not an active state–federal judicial council in their circuit, three (27%) said yes, and one (9%) said yes, but none are currently active. The one judge who selected “other” noted that bar associations in the circuit address state and federal issues, but they were not aware of any state–federal judicial councils.

Whereas the district chief judges reported about their own state, the court of appeals chief judges were asked to identify all states in their circuit that had a currently active state–federal judicial council. The judges identified councils in California, Idaho, Nevada, and New York. Additionally, it was noted that Oregon has a tribal, state, and federal court forum that focuses on tribal issues and that, as of 2022, Washington is planning to create a state–federal judicial council.²¹

Table 6. Do any states in your circuit have a state–federal judicial council that meets, formally or informally, to discuss issues of mutual concern?

Response	Frequency (% of total)
Yes	3 (27%)
Yes, none are currently active	1 (9%)
No	6 (55%)
Other	1 (9%)
Total	11

The five judges who did not select “no” about the existence of state–federal judicial councils were then asked if they have ever served on the council. One answered that they currently serve on a state–federal judicial council, and one answered that they served in the past but not currently; three said no.

The judges were invited to share their thoughts about state–federal judicial councils generally, including what tasks they perform and who comprises the council. Two judges responded.

21. In the survey, the chief court of appeals judges were informed that answers to this question might indicate which chief circuit judges responded. The remainder of open-ended questions are redacted to maintain anonymity.

One judge stated that the one council in their circuit includes federal and state judges as members, with attorneys as advisors. The council addresses “topics where federal and state practices diverge, such as in discovery” as well as other topics such as judicial security, attorney discipline, and jury pools. The council occasionally hosts judicial discussion forums. The council’s attorney advisory group plans and sponsors CLE programs on topics of state–federal interest.

The second judge described three different state–federal councils in their circuit:

- The members of one council are: state judges, tribal court judges, and federal judges (including district, magistrate, and bankruptcy judges). The state’s chief justice and the federal circuit’s chief judge are the council’s co-chairs.
- A second council’s membership is more expansive, including federal judges (including district, magistrate, and bankruptcy judges), all justices of the state’s supreme court, all judges of the state’s court of appeals, the federal district’s clerk of court and chief deputy clerk, and the state supreme court’s clerk of court. “The council performs the following tasks: coordinates calendars, discusses issues regarding hiring/retention of law clerks, identifies any changes or modifications to procedures/ rules of federal or state courts, and develops dialogue between state and federal judges.”
- A third council’s membership includes the state’s supreme court justices, two state judicial district judges, a municipal court judge, a justice court judge, a tribal court judge, and federal judges (including circuit, district, magistrate, and bankruptcy judges). Attorneys are invited participants. The council seeks to provide “an effective vehicle for direct and personal communication between judges of the state and federal courts . . . concerning matters of mutual interest and concern such as: (1) the elimination of actual or potential conflicts between the two judicial systems; (2) the development of methods to improve the operation of the two systems; (3) the quality of representation and ethics of attorneys practicing in the two systems; (4) the exploration and development of methods to utilize and share scarce judicial assets so as to benefit the two systems and the taxpayers; and (5) the timely sharing of materials and information that may have application or impact on the two systems.”

Areas of State–Federal Cooperation

All U.S. court of appeals chief judges were asked whether their circuit cooperates with the state courts on 43 different topics, presented in the four separate categories below. The topics are all the same as in the district chief judge survey.

Easing tensions between state and federal courts

The first category included eight topics focused on easing tensions between state and federal courts. As seen in Table 7, the most common response for each topic was that the court had never cooperated in the area, and does not plan to do so in the future. This matches the overall trend found in the district chief judge survey.

Also corresponding with the district chief judge survey, courts of appeals chief judges were most likely to report current or past cooperation regarding *certification of issues of state law by federal courts*. Almost half of the judges (45%) noted current or past cooperation in this area, though the same percentage (45%) noted they have never cooperated in this area and do not

plan to do so in the future. Judges were next most likely to report current or past cooperation on *state court access to federal court records* (36%). Two judges (18%) noted current or past cooperation on five topics. One judge (9%) noted current or past cooperation regarding *coordinating joint proceedings in related cases (e.g., MDLs)*.²²

Table 7. Topics Regarding Easing Tensions Between State and Federal Courts

Topic	Does your federal circuit court cooperate with the state court system on any of the below topics?				Total
	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	
Calendaring and scheduling conflicts for unrelated matters	2 (18%)	--	--	9 (82%)	11
Coordinating joint proceedings in related cases (e.g., MDLs and other mass tort and class action litigation)	1 (9%)	--	1 (9%)	9 (82%)	11
Collateral attacks on state proceedings in federal court (e.g., habeas corpus)	1 (9%)	1 (9%)	1 (9%)	8 (73%)	11
Bankruptcy issues (e.g., stays)	1 (9%)	1 (9%)	--	9 (82%)	11
Certification of issues of state law by federal courts	4 (36%)	1 (9%)	1 (9%)	5 (45%)	11
Dual prosecution of state and federal criminal offenses	1 (9%)	1 (9%)	--	9 (82%)	11
State court access to federal court records	3 (27%)	1 (9%)	--	7 (64%)	11
Shared contact directories between state and federal judges	2 (18%)	--	1 (9%)	8 (73%)	11

22. The chief court of appeals judges were also invited to suggest additional topics in this area. One judge noted that they invited state court judges to their *federal judicial conference*, a topic addressed more fully later in the survey.

The judges then reported, regardless of their current or past cooperation, whether additional cooperation on any of the above topics would be useful to ease tensions between state and federal courts. Judges could select all that applied. Judges were more likely to report a benefit of additional cooperation on *certification of issues of state law by federal courts* and *state court access to federal court records* (64% each). The list below shows for each topic the percentage of judges who reported that more cooperation would be useful:

- Certification of issues of state law by federal courts (64%)
- State court access to federal court records (64%)
- Collateral attacks on state proceedings in federal court (e.g., habeas corpus) (46%)
- Coordinating joint proceedings in related cases (e.g., MDLs and other mass tort and class action litigation) (36%)
- Shared contact directories between state and federal judges (36%)
- Bankruptcy issues (e.g., stays) (27%)
- Dual prosecution of state and federal criminal offenses (27%)
- Calendaring and scheduling conflicts for unrelated matters (18%)

Shared resources

The second category included nine shared-resources topics. The court of appeals chief judges were asked whether their federal circuit cooperated with the state court on any of the topics and, then, if additional cooperation would be useful.

As shown in Table 8, for all nine topics, judges most often selected that they have never cooperated in the area and do not plan to do so in the future. This corresponds with the same finding in the district chief judge survey. For three topics, only one judge identified current cooperation: *courtroom space*, *ADR neutral lists*, and *ADR programs*. For an additional three topics, no judge identified either current or past cooperation: *juror information*, *court-appointed expert lists*, and *court interpreters*. Note that some of the topics in this category are less likely to be relevant in courts of appeals, including shared-juror information.

Table 8. Topics Regarding Shared Resources

Topic	Does your federal circuit court cooperate with the state court system on any of the below topics?				Total
	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	
Facilities/buildings	--	2 (20%)	--	8 (80%)	10
Courtroom space	1 (10%)	1 (10%)	--	8 (80%)	10
Libraries	--	3 (30%)	1 (10%)	6 (60%)	10
Juror information (shared jury pool)	--	--	1 (10%)	9 (90%)	10
ADR neutral lists	1 (10%)	--	2 (20%)	7 (70%)	10
ADR programs	1 (11%)	--	1 (11%)	7 (78%)	9
Pro bono attorney lists	--	1 (10%)	1 (10%)	8 (80%)	10
Court-appointed expert lists	--	--	1 (10%)	9 (90%)	10
Court interpreter lists	--	--	1 (10%)	9 (90%)	10

The judges then reported, regardless of their current or past cooperation, whether additional cooperation on the shared-resources topics would be useful. Judges could select all that applied. Judges most often selected that additional cooperation on *pro bono attorney lists* would be useful (60%). The list below shows for each topic the percentage of judges who reported that more cooperation would be useful:

- Pro bono attorney lists (60%)
- Court-appointed experts (50%)
- Court interpreter lists (50%)
- Libraries (50%)
- Courtroom space (40%)
- Facilities/buildings (30%)
- ADR neutral lists (20%)
- ADR programs (20%)
- Juror information (shared jury pool) (10%)

Common concerns

The third category included 20 common concerns involving state and federal courts. As shown in Table 9, the court of appeals chief judges most often reported current or past cooperation on *attorney discipline and misconduct* (70%). This was the only topic in the category where more than 50% of judges reported current or past cooperation. The next highest percentage was for *state legislation that could affect federal courts*, with 44% of judges reporting current cooperation (none noted past cooperation).²³

Table 9. Topics Regarding Common Concerns

Does your federal circuit court cooperate with the state court system on any of the below topics?					
Topic	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	Total
Attorney discipline and misconduct	7 (70%)	--	--	3 (30%)	10
Technology in the courtroom (e.g., remote proceedings; video conferencing for prisoners; cameras)	1 (10%)	--	1 (10%)	8 (80%)	10
Media relations	--	1 (11%)	--	8 (89%)	9
Funding and judicial budgeting	--	--	--	8 (100%)	8
Immigration issues (e.g., status of criminal defendants)	1 (13%)	1 (13%)	--	6 (75%)	8
Complex litigation (e.g., MDLs and other mass tort and class action litigation)	1 (13%)	--	--	7 (88%)	8
Issues relevant to tribal courts	2 (22%)	--	1 (11%)	6 (67%)	9

23. Only one judge reported current or past cooperation on the following six topics: *technology in the courtroom*, *media relations*, *complex litigation*, *access to justice issues*, *discovery disputes*, and *electronic discovery issues*. No judges reported current or past cooperation regarding *funding and judicial budgeting*.

Does your federal circuit court cooperate with the state court system on any of the below topics?

Topic	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	Total
Security concerns	2 (25%)	--	1 (13%)	5 (63%)	8
Access to justice issues (e.g., self-represented litigants)	1 (11%)	--	1 (11%)	7 (78%)	9
Discovery disputes	--	1 (13%)	1 (13%)	6 (75%)	8
Electronic discovery issues	--	1 (13%)	1 (13%)	6 (75%)	8
Emergency preparedness (Continuity of Operations (COOP) plans)	--	2 (25%)	1 (13%)	5 (63%)	8
Reducing bias (e.g., gender or racial bias)	1 (11%)	1 (11%)	1 (11%)	6 (67%)	9
State legislation that could affect federal courts	4 (44%)	--	--	5 (56%)	9
Federal legislation that could affect federal or state courts	3 (38%)	--	--	5 (63%)	8
Litigation against state and local governments	1 (11%)	1 (11%)	--	7 (78%)	9
Changes to the Federal Rules	2 (20%)	1 (10%)	--	7 (70%)	10
Legal decisions that could affect federal or state courts	2 (22%)	--	--	7 (78%)	9
Diversity jurisdiction (e.g., removal; fraudulent joinder)	2 (25%)	--	--	6 (75%)	8
Repeat filers (frivolous cases)	1 (13%)	2 (25%)	--	5 (63%)	8

The judges then reported, regardless of their current or past cooperation, whether additional cooperation on the above common concerns would be useful. Judges could select all that applied. Judges were most likely to note a benefit of additional cooperation regarding *attorney discipline and misconduct* (70%), followed by *access to justice issues*, *security concerns*, and *technology in the courtroom* (with 60% each). No judge reported that additional cooperation on *funding and judicial budgeting* would be useful. The list below shows for each topic the percentage of judges who reported that additional cooperation would be useful:

- Attorney discipline and misconduct (70%)
- Access to justice issues (e.g., self-represented litigants) (60%)
- Security concerns (60%)
- Technology in the courtroom (e.g., remote proceedings, video conferencing for prisoners; cameras) (60%)
- Emergency preparedness (COOP plans) (50%)
- Federal legislation that could affect the federal or state courts (50%)
- State legislation that could affect federal courts (50%)
- Changes to the Federal Rules (40%)
- Immigration issues (e.g., status of criminal defendants) (40%)
- Issues relevant to tribal courts (40%)
- Complex litigation (e.g., MDLs and other mass tort and class action litigation) (30%)
- Legal decisions that could affect federal or state courts (30%)
- Reducing bias (e.g., gender or racial bias) (30%)
- Repeat filers (frivolous cases) (30%)
- Discovery disputes (20%)
- Diversity jurisdiction (e.g., removal; fraudulent joinder) (20%)
- Electronic discovery issues (20%)
- Media relations (20%)
- Litigation against state and local governments (10%)
- Funding and judicial budgeting (0%)

Educational programs

The final category included six educational program topics. As shown in Table 10, most court of appeals chief judges reported current or past cooperation on *programs for the bar* (73%), followed by *programs for the general public* (66%) and *programs for students, held at the school or court* (60% each). Four judges (44%) reported past cooperation on *programs for the press*; none identified current cooperation. Only 30% of judges noted current or past cooperation regarding *videos/ recordings to be used for educational outreach*.²⁴

24. Judges were invited to also list other instances of educational cooperation; one judge noted *educational programs for visiting foreign dignitaries*.

Table 10. Topics Regarding Educational Programs

Topic	Does your federal circuit court cooperate with the state court system on any of the below topics?				Total
	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	
Programs for the bar	6 (55%)	2 (18%)	--	3 (27%)	11
Programs for the general public	4 (44%)	2 (22%)	--	3 (33%)	9
Programs for students (held at the school)	4 (40%)	2 (20%)	1 (10%)	3 (30%)	10
Programs for students (held at the court)	4 (40%)	2 (20%)	1 (10%)	3 (30%)	10
Programs for the press	--	4 (44%)	--	5 (56%)	9
Videos/recordings to be used for educational outreach	2 (20%)	1 (10%)	1 (10%)	6 (60%)	10

The judges then reported, regardless of their current or past cooperation, whether additional cooperation on any of the above educational program topics would be useful. Judges could select all that applied. For five of the six educational program topics, 80% of judges reported that additional cooperation would be useful. Alternately, 50% of judges said additional cooperation on *programs for the press* would be useful. The list below shows for each topic the percentage of judges who reported that more cooperation would be useful:

- Programs for the bar (80%)
- Programs for the general public (80%)
- Programs for students (held at the school) (80%)
- Programs for students (held at the court) (80%)
- Videos/recordings to be used for educational outreach (80%)
- Programs for the press (50%)

The judges were invited to provide any additional examples of educational programs when their court has partnered or will soon partner with the state courts. Four judges responded, and

all four identified partnerships on civics education initiatives.²⁵ The judges also identified partnerships on mock trials, an appellate practice conference, foreign dignitary visits, bar meetings, and additional educational programming. One judge noted a historical society that has included both federal and state judges on panels. Another judge noted that the attorney advisors to their state–federal judicial council held a personal finance and bankruptcy program for the general public.

Engagement with the State Courts

The court of appeals chief judges were asked to describe how they have interacted with the state courts. They first responded to questions about joint meeting attendance, before being given an opportunity to expand on opportunities to engage with the state courts.

Joint meeting attendance

About two-thirds (64%) of the court of appeals chief judges reported that their court of appeals invites state judges to bench meetings (e.g., annual meetings, “lunch and learn” discussions). The four remaining judges were evenly split, with two each selecting no or “other.” The two judges who selected “other” reported that state judges are “occasionally” or “sometimes” invited.

The judges were also asked if state courts invite them to meetings of state judges. Of the 10 responding judges, 50% said yes, 30% said no, and 20% selected “other” (again, noting “occasionally” or “sometimes”).

These percentages are both notably higher than in the district chief judge survey; district court respondents reported that only about one-third of their courts either invite state judges to federal bench meetings or are invited to state bench meetings.

Additional interactions

The U.S. court of appeals chief judges were asked to describe how they have interacted with the state courts. Seven judges responded. As with the district chief judges, the court of appeals chief judges generally discussed the benefits of informal communication on various matters, including responses to Covid-19. One judge shared that they have “longstanding ties to state court judges at all levels” and that federal court personnel (including judges, the Clerk of Court, and IT department) “regularly confer[s] with their state counterparts.” Another judge shared that their circuit has a “robust history” of attending events with state court colleagues; other judges stated that educational panels, conferences, receptions, and meetings offer opportunities for open communications about how each court operates. One judge noted that they “would welcome additional opportunities to engage with state colleagues.”

25. When asked later if there were any additional areas of cooperation with the state courts that were not included in the survey, one judge responded, noting that their circuit is working on state–federal *civics education initiatives*.

Emerging Areas of Cooperation

The court of appeals chief judges were invited to provide examples of state–federal cooperation in three specific areas: issues related to relationships with tribal courts and issues of tribal law, immigration, and MDL proceedings (e.g., general pretrial scheduling, common discovery, bellwether trials, and settlement efforts). As with the U.S. district chief judges, few court of appeals chief judges provided examples.

Tribal courts. Regarding cooperation related to tribal courts and issues of tribal law, two judges responded. One shared that they have “a fairly new circuit tribal law committee and from there we hope to regularize contact and learning opportunities throughout our circuit.” Another judge stated that there is a formal state–federal judicial council committee focused on tribal relations and that there have been “visits to reservations within the circuit.”

Two additional judges reported they do not have any experience working with tribal courts.

Immigration. Regarding cooperation related to immigration matters, two judges stated the following:

“The lawyer advisory group has held CLEs and other programs to familiarize court practitioners, court staff and judges from the federal and state system with the impact of immigration determinations on aspects of state practice - both civil and criminal. This has been beneficial.”

“We had two or three prison summits and a chance to engage with state officials operating prison systems. We have been able to begin projects in three states allowing prisoners to file documents electronically and they have been very successful.”

One additional judge reported no experience with immigration issues.

MDL Proceedings. None of the judges shared examples of cooperation in MDL proceedings. Three reported that they had no experience with MDL proceedings.

Additional Feedback

The court of appeals chief judges were asked to provide any additional feedback on federal–state cooperation. Four judges responded. Three of the judges shared an interest in expanding cooperation, with one specifically interested in more cooperation “with respect to joint programming on civics education.” The fourth judge noted that when the court of appeals cooperates with the state courts it has generally been “under the auspices” of the state–federal judicial council.

State/Territorial Chief Justice and Court Administrator Surveys

As described in the *Survey Process* section above, 20 state/territorial chief justices and 17 state/territorial court administrators completed at least part of the survey. The respondents in this section are designated uniformly as “state/territorial respondents,” as they encompass both chief justices and court administrators from state and territorial courts of last resort. Combined, their responses represent 30 different state/territorial jurisdictions (54% of 56).²⁶ However, only 16 (29% of 56) completed more than the initial state–federal judicial council survey section.²⁷ Because of the smaller percentages of jurisdictions represented in these results (compared to the U.S. district and court of appeals chief judge results), we encourage caution in generalizing these findings.

The organization of the state surveys generally matched that of the federal judge surveys, albeit with wording changes to address cooperation with federal courts (vs. with state courts) and an additional question where respondents were asked to designate their jurisdiction. This question was necessary because the survey invitations came via an anonymous link shared on the Conference of Chief Justices and Conference of State Court Administrators email listservs. In response to feedback from the Committee, discussed above, the survey to state court administrators was slightly reduced in length, with the section about emerging areas of cooperation (immigration; tribal courts; MDL) and two open-ended questions removed.

State–Federal Judicial Councils

The state/territorial respondents first identified if their state/territory has a state–federal judicial council that meets, formally or informally, to discuss issues of mutual concern. As shown in Table 11, most respondents (63%) said they do not. Eight respondents (27%) selected yes; two (7%) selected “yes, but it is currently inactive.” One respondent (3%) selected other and reported that they have bench-bar committees.²⁸

Table 11. Does your state have a state–federal judicial council that meets, formally or informally, to discuss issues of mutual concern?

Response	Frequency (% of total)
Yes	8 (27%)
Yes, but it is currently inactive	2 (7%)
No	19 (63%)
Other	1 (3%)
Total	30

26. The survey was released on two closed listservs, and the response rate presumes that chief justices and court administrators from all 50 states, D.C., and five territories (American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) received the survey invitations.

27. For more information on how this sample was finalized, see the *Survey Process* section *infra*.

28. Another respondent selected “other” and stated that they have a state–federal judicial council focused on tribal court issues; this was recoded as a yes.

The 11 state/territorial respondents who did not select “no” were asked four additional questions about state–federal judicial councils.

Eight respondents reported whether they had ever served on the state–federal judicial council. Half (50%, or 4) said no; three (38%) said yes, they currently serve; one (13%) said they served in the past but not currently.

Four respondents described how frequently their state–federal judicial council met. Two said twice a year; one said three times a year; one said at least once a year (and more often when needed).

Five respondents provided information on administrative staffing for the state–federal judicial council. Two respondents reported that staffing came from the state supreme court; one each said staffing came from either the federal court, the state court administrator, or the state bar association.

Six respondents offered additional information about their state–federal judicial council, in response to an open-ended question. Four described what tasks it performs and who comprises the council:

- “It is a small, rotating group of state judges together with all of the federal judges from or in [the state].”
- “The committee considers issues brought by its member judges (state and federal) and attorneys.”
- “[Our] Council consists of the Federal Presiding Judge, Federal Magistrate Judge, Chief of Federal Probation, Chief Justice, State Court Administrator, and State Probation Administrator.”
- “When it was last appointed, [our] council included the state chief justice, clerk of the state supreme court, representatives of the federal appeals and district courts, representatives of the state appellate and trial courts, representatives of The [State] Bar, a representative of the [State] Courts Technology Commission, representatives of the state executive branch, a state public defender and a representative of the criminal defense bar, and a state attorney.”

Four of the six respondents described the purpose of the council. One respondent stated, “The meetings generally have an educational focus; include updates from each court; and provide a social opportunity as well,” two respondents stated that the goal is to have informal communication on matters of mutual interest, and one respondent stated that their council is focused on tribal courts. One respondent said that a state–federal judicial council “sounds like a good idea.”

Areas of State–Federal Cooperation

All of the state/territorial respondents were asked whether their state courts cooperate with the federal courts on 43 topics, presented in the four separate categories below. The topics were the same as in the U.S. district and court of appeals chief judge surveys.

Easing tensions between state and federal courts

The first category included eight topics focused on easing tensions between state and federal courts.²⁹ As shown in Table 12, the most common response for all but one topic was that the court had never cooperated in the area, and does not plan to do so in the future. For *certification of issues of state law by federal courts*, 51% of respondents reported current or past cooperation, while 51% reported that they either have never cooperated in the area but are considering doing so in the future or that they have never cooperated in this area and do not plan to do so in the future.

Further, 40% of respondents reported current or past cooperation on *state court access to federal court records*, and 27% of respondents reported current cooperation on *shared contact directories between state and federal judges* (none reported past cooperation).

29. Respondents were also invited to suggest additional topics across each of the categories. This was the only category where state/territorial respondents offered additional topics. One respondent noted cooperation on *foreclosure mediation*; another noted that they cooperated extensively with the federal courts during the pandemic.

Table 12. Topics Regarding Easing Tensions Between State and Federal Courts

Topic	Does your state court cooperate with the federal courts on any of the below topics?				Total
	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	
Calendaring and scheduling conflicts for unrelated matters	1 (6%)	--	--	15 (94%)	16
Coordinating joint proceedings in related cases (e.g., MDLs and other mass tort and class action litigation)	1 (6%)	--	3 (19%)	12 (75%)	16
Collateral attacks on state proceedings in federal court (e.g., habeas corpus)	--	--	4 (25%)	12 (75%)	16
Bankruptcy issues (e.g., stays)	2 (13%)	1 (6%)	1 (6%)	12 (75%)	16
Certification of issues of state law by federal courts	6 (38%)	2 (13%)	2 (13%)	6 (38%)	16
Dual prosecution of state and federal criminal offenses	3 (20%)	1 (7%)	2 (13%)	9 (60%)	15
State court access to federal court records	4 (27%)	2 (13%)	2 (13%)	7 (47%)	15
Shared contact directories between state and federal judges	4 (27%)	--	4 (27%)	7 (47%)	15

The state/territorial respondents then reported, regardless of their current or past cooperation, whether additional cooperation on any of the above topics would be useful to ease tensions between state and federal courts. Respondents could select all that applied. Almost every respondent (93%, or 14 of 15) reported that additional cooperation would be helpful on *certification of issues of state law by federal courts*. The next most commonly selected were *state court access to federal court records* (87%) and *shared contact directories* (73%). Respondents were least likely to report a need for additional cooperation on *calendaring and scheduling conflicts for unrelated matters* (20%). The list below shows for each topic the percentage of respondents who reported that more cooperation would be useful:

- Certification of issues of state law by federal courts (93%)
- State court access to federal court records (87%)
- Shared contact directories between state and federal judges (73%)
- Dual prosecution of state and federal criminal offenses (67%)
- Coordinating joint proceedings in related cases (e.g., MDLs and other mass tort and class action litigation) (60%)
- Collateral attacks on state proceedings in federal court (e.g., habeas corpus) (53%)
- Bankruptcy issues (e.g., stays) (47%)
- Calendaring and scheduling conflicts for unrelated matters (20%)

Shared resources

The second category included nine shared-resources topics. The state/territorial respondents were asked whether their court cooperated with the federal court on any of the topics and if additional cooperation would be useful.

As shown in Table 13, for all nine topics, respondents most often selected that they have never cooperated in the area and do not plan to do so in the future. No more than four respondents (25%) reported current or past cooperation for any topic. More than one respondent reported current cooperation for only four of the topics: *courtroom space*, *ADR neutral lists*, *ADR programs*, and *court interpreter lists*. For two topics, no respondents reported current cooperation (*facilities/buildings* and *court-appointed experts lists*).

Table 13. Topics Regarding Shared Resources

Topic	Does your state court cooperate with the federal courts on any of the below topics?				Total
	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	
Facilities/buildings	--	2 (13%)	--	14 (88%)	16
Courtroom space	2 (13%)	2 (13%)	--	12 (75%)	16
Libraries	1 (6%)	1 (6%)	2 (13%)	12 (75%)	16
Juror information (shared jury pool)	1 (6%)	3 (19%)	--	12 (75%)	16
ADR neutral lists	2 (13%)	2 (13%)	1 (6%)	11 (69%)	16
ADR programs	2 (13%)	2 (13%)	1 (6%)	11 (69%)	16
Pro bono attorney lists	1 (6%)	1 (6%)	1 (6%)	13 (81%)	16
Court-appointed expert lists	--	2 (13%)	1 (6%)	13 (81%)	16
Court interpreter lists	2 (13%)	1 (6%)	1 (6%)	12 (75%)	16

The state/territorial respondents then reported, regardless of their current or past cooperation, whether additional cooperation on the shared-resources topics would be useful. Respondents could select all that applied. Although very few respondents reported current cooperation on the shared-resources topics, at least half reported that additional cooperation would be useful for seven of the nine topics: shared *court interpreter lists* (88%), *pro bono attorney lists* (75%), *ADR neutral lists* (63%), *ADR programs* (56%), *court-appointed experts* (56%), *libraries* (56%), and *juror information* (50%). The list below shows for each topic the percentage of respondents who reported that more cooperation would be useful:

- Court interpreter lists (88%)
- Pro bono attorney lists (75%)
- ADR neutral lists (63%)
- ADR programs (56%)
- Court-appointed experts (56%)
- Libraries (56%)
- Juror information (shared jury pool) (50%)
- Courtroom space (25%)
- Facilities/buildings (25%)

Common concerns

The third category included 20 common concerns involving state and federal courts. As shown in Table 14, the state/territorial respondents most often reported current or past cooperation on *security concerns* (56%), *attorney discipline and misconduct* (50%), *emergency preparedness (Continuity of Operations (COOP) plans)* (50%), and *access to justice issues (e.g., self-represented litigants)* (48%). For five topics, no state/territorial respondent noted current cooperation: *media relations, funding and judicial budgeting, discovery disputes, state legislation that could affect federal courts, and diversity jurisdiction*.

Table 14. Topics Regarding Common Concerns

Topic	Does your state court cooperate with the federal courts on any of the below topics?				Total
	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	
Attorney discipline and misconduct	5 (31%)	3 (19%)	2 (13%)	6 (38%)	16
Technology in the courtroom (e.g., remote proceedings; video conferencing for prisoners; cameras)	1 (6%)	5 (31%)	2 (13%)	8 (50%)	16
Media relations	--	3 (19%)	1 (6%)	12 (75%)	16
Funding and judicial budgeting	--	2 (12%)	--	15 (88%)	17
Immigration issues (e.g., status of criminal defendants)	1 (6%)	1 (6%)	1 (6%)	13 (81%)	16
Complex litigation (e.g., MDLs and other mass tort and class action litigation)	2 (13%)	1 (6%)	1 (6%)	12 (75%)	16
Issues relevant to tribal courts	1 (7%)	--	1 (7%)	13 (87%)	15
Security concerns	5 (31%)	4 (25%)	2 (13%)	5 (31%)	16

Does your state court cooperate with the federal courts
on any of the below topics?

Topic	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	Total
Access to justice issues (e.g., self-represented litigants)	4 (24%)	4 (24%)	2 (12%)	7 (41%)	17
Discovery disputes	--	2 (13%)	1 (6%)	13 (81%)	16
Electronic discovery issues	1 (6%)	3 (19%)	1 (6%)	11 (69%)	16
Emergency preparedness (Continuity of Operations (COOP) plans)	5 (31%)	3 (19%)	3 (19%)	5 (31%)	16
Reducing bias (e.g., gender or racial bias)	2 (12%)	3 (18%)	2 (12%)	10 (59%)	17
State legislation that could affect federal courts	--	4 (24%)	2 (12%)	11 (65%)	17
Federal legislation that could affect federal or state courts	1 (6%)	3 (18%)	2 (12%)	11 (65%)	17
Litigation against state and local governments	2 (13%)	1 (6%)	1 (6%)	12 (75%)	16
Changes to the Federal Rules	1 (6%)	2 (12%)	1 (6%)	13 (76%)	17
Legal decisions that could affect federal or state courts	2 (13%)	2 (13%)	1 (6%)	11 (69%)	16
Diversity jurisdiction (e.g., removal; fraudulent joinder)	--	2 (13%)	--	14 (88%)	16
Repeat filers (frivolous cases)	1 (6%)	3 (18%)	1 (6%)	12 (71%)	17

Respondents then reported, regardless of their current or past cooperation, whether additional cooperation on the above topics would be useful. Respondents could select all that applied. Respondents were most likely to note a benefit of additional cooperation regarding *security concerns* (88%) and *access to justice issues* (81%). They were least likely to report a need for additional cooperation on *discovery disputes* and *diversity jurisdiction* (13% each). The list below shows for each topic the percentage of respondents who reported that more cooperation would be useful:

- Security concerns (88%)
- Access to justice issues (e.g., self-represented litigants) (81%)
- Attorney discipline and misconduct (69%)
- Emergency preparedness (COOP plans) (69%)
- Technology in the courtroom (e.g., remote proceedings, video conferencing for prisoners; cameras) (69%)
- Federal legislation that could affect the federal or state courts (63%)
- Repeat filers (frivolous cases) (56%)
- Legal decisions that could affect federal or state courts (50%)
- Media relations (50%)
- Reducing bias (e.g., gender or racial bias) (50%)
- State legislation that could affect federal courts (50%)
- Electronic discovery issues (44%)
- Immigration issues (e.g., status of criminal defendants) (44%)
- Changes to the Federal Rules (38%)
- Funding and judicial budgeting (38%)
- Litigation against state and local governments (38%)
- Complex litigation (e.g., MDLs and other mass tort and class action litigation) (31%)
- Issues relevant to tribal courts (25%)
- Discovery disputes (13%)
- Diversity jurisdiction (e.g., removal; fraudulent joinder) (13%)

Educational programs

The final category included six educational program topics. As shown in Table 15, most state/territorial respondents reported current or past cooperation on *programs for the bar* (69%), followed by *programs for students (held at the school)* (47%) and *programs for the general public* (44%). As with the federal judges, the state/territorial respondents were less likely to report current or past cooperation on *videos/recordings to be used for educational outreach* (31%) or *programs for the press* (27%).

Table 15. Topics Regarding Educational Programs

Topic	Does your state court cooperate with the federal courts on any of the below topics?				Total
	Yes, we currently cooperate in this area.	We have cooperated in the past in this area, but not currently.	We have never cooperated in this area, but are considering doing so in the future.	We have never cooperated in this area, and do not plan to do so in the future.	
Programs for the bar	8 (50%)	3 (19%)	1 (6%)	4 (25%)	16
Programs for the general public	6 (38%)	1 (6%)	1 (6%)	8 (50%)	16
Programs for students (held at the school)	5 (29%)	3 (18%)	1 (6%)	8 (47%)	17
Programs for students (held at the court)	5 (29%)	2 (12%)	1 (6%)	9 (53%)	17
Programs for the press	3 (20%)	1 (7%)	--	11 (73%)	15
Videos/recordings to be used for educational outreach	4 (25%)	1 (6%)	2 (13%)	9 (56%)	16

The respondents then reported, regardless of their current or past cooperation, whether additional cooperation on any of the above educational program topics would be useful. Respondents could select all that applied. Every state/territorial respondent reported that additional cooperation would be useful on *educational programs for the bar, general public, and students (both for programs held at the school and the court)*. Further, 75% of state/territorial respondents reported that additional cooperation would be useful for *programs for the press and videos/recordings to be used for educational outreach*, higher percentages than in the U.S. district and court of appeals chief judge surveys. The list below shows for each topic the percentage of respondents who reported that more cooperation would be useful:

- Programs for the bar (100%)
- Programs for the general public (100%)
- Programs for students (held at the school) (100%)
- Programs for students (held at the court) (100%)
- Programs for the press (75%)
- Videos/recordings to be used for educational outreach (75%)

Respondents were then invited to share any additional examples of educational programs when their court has partnered or will soon partner with the federal courts. Three respondents shared examples of cooperation on (1) an attorney wellness conference, (2) Constitution Day activities, and (3) Covid plans, pro bono outreach, and a collaborative 19th Amendment celebration.

Engagement with the Federal Courts

The state/territorial respondents were then asked to describe how they have interacted with the state courts. They first responded to questions about joint meeting attendance, and then were given an opportunity to expand on opportunities to engage with the federal courts.

Joint meeting attendance

The state/territorial respondents were more likely to report that they invite federal judges to state bench meetings than that they are invited to federal bench meetings.

When asked if their state courts invite federal judges to bench meetings (e.g., annual meetings, lunch and learn discussions), seven (47%) said yes and seven (47%) said no. One responded selected “other” and shared that there is an annual federal–state dinner.

Respondents also reported if federal courts invite state court judges/justices to meetings of federal judges. Nine respondents (60%) said no; five (33%) said yes; one (7%) said they did not know.

Additional interactions

In an open-ended prompt, state/territorial respondents were asked to describe how they have interacted with the federal court (e.g., at informal meetings at bar events, “lunch and learn” discussions, personal communication, formal programs, state–federal judicial councils). Ten responded. As with the U.S. chief judge respondents, the state/territorial respondents most often reported informal communication, including via email, over the phone, and at meetings. One chief justice stated that “there is no formal interaction in our official capacities” but that they are a personal friend to the federal judges and they “have lunch regularly.” Specific topics mentioned by other respondents included security issues, shared facilities, shared technology, and coordinating emergency response plans that “we’ve unfortunately had to implement.” One chief justice shared that they have not been invited to federal bench meetings “but would be interested in attending.”

Emerging Areas of Cooperation

As with the federal judges, the state/territorial chief justices were invited to provide examples of state–federal cooperation in three specific areas: issues related to tribal courts and tribal law, immigration, and MDL proceedings. None provided any examples, but one chief justice noted that increased cooperation would be helpful for immigration matters. State/territorial court administrators did not receive these questions.

Additional Feedback

The state/territorial respondents were then asked to provide any additional feedback on federal–state cooperation. Three provided feedback. One respondent noted that their court has “no formal cooperation with the federal courts, and I can’t say I have missed it, but maybe this is just one more thing we would miss if we thought about it.” A second respondent shared that, even if they did not select that they currently or plan to cooperate on the areas noted in the survey, it does not mean they are “unwilling to entertain more cooperation in those areas.” The third respondent stated that “state and federal courts should cooperate as much as they can.”