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FJC Directions

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THE FEDERAL JUDICIAL CENTER

The New Approach to Supervising Federal Offenders

Barbara S. Meierhoefer

The Federal Probation System has implemented a new system for supervising federal offenders that has consequences for the court as well as for probation officers. Its success requires that judges initially impose conditions of supervision with care and respond promptly to requests for their modification or for the imposition of sanctions if offenders do not comply. Courts can expect the closer supervision that will result from Enhanced Supervision to produce more reports of noncompliance and should develop a rational sanctioning policy to deal effectively with violations.

The goal of Enhanced Supervision is to implement the statutory responsibilities of probation officers: executing the sentence imposed by the court, controlling risk, and providing offenders with necessary correctional treatment. The new emphasis on carrying out the sentence stems from the fact that, under the Sentencing Reform Act, terms of community supervision (probation and supervised release) are now sentences in their own right, with specific statutory purposes to be served. As a result, a priority of supervision will be strict verification of offender compliance with all conditions—mandatory, standard, and special—and swift policy-guided reaction (but not necessarily revocation) to instances of noncompliance. The practices under Enhanced Supervision will apply to probationers, parolees, and supervised releasees.

Enhanced Supervision was developed by the Supervision Task Force of the Judicial Conference Committee on Criminal Law. In 1991, following a pilot test, the committee and the U.S. Parole Commission approved the program for nationwide application. The program, which has as a component an extensive Federal Judicial Center education program, will be fully implemented by the spring of 1992.

Barbara S. Meierhoefer is a senior research associate at the Federal Judicial Center. She is the author of the forthcoming Center report *The General Effect of Mandatory Minimum Prison Terms* (see page 24).

Background

Even before the advent of sentencing guidelines, there was evidence that the quality of supervision of federal offenders might be deteriorating. In July 1986, the former Judicial Conference Committee on the Administration of the Probation System authorized a study to explore systematically whether a general problem existed and, if so, its nature and extent. The Probation Division of the Administrative Office of the U.S. Courts conducted the study; the Research Division of the Federal Judicial Center provided technical assistance.[1]

The study found that the majority of contacts with all offenders took place in the probation office rather than in the field, and that there was not enough prioritization of supervision activities based on the risk to the public and the needs of the case. Although offenders classified as presenting a higher risk of recidivism were seen more often than lower-risk offenders, approximately one-third of the higher-risk offenders were seen less than once a month. Approximately one-third of the lower-risk offenders—usually white-collar offenders with multiple conditions imposed—were seen more than once a month.

The study also found that supervision was adversely affected by understaffing, and that supervision was best in districts where officers were not assigned both supervision and presentence responsibilities. These findings gave empirical support to the long-held belief that when a probation office does not have enough resources to perform all of its functions, presentence reports—which are deadline-driven and the activity most visible to the court—are given priority over supervision.

In July 1988, in response to the study, the Committee on Criminal Law and Probation Administration appointed a Supervision Task Force to improve supervision practices.[2] The task force was also asked to consider the implications for supervision of the following other changes to the criminal justice system:

- The Comprehensive Crime Control Act of 1984 created a sentencing guideline system, abolished parole, created supervised release, made probation a sentence, and mandated certain sanctions for all felonies.
- Evolving drug enforcement legislation changed the mix of offenders received for supervision.
- Prison and jail overcrowding spawned intensive supervision initiatives, such as home confinement enforced by electronic monitoring, that have stimulated new interest in the potential of community-based intermediate sanctions.

One of the products of the task force was a new supervision monograph, *Supervision of Federal Offenders, Monograph 109*, that features new ideas and old ideas presented in a different context.

Changes under Enhanced Supervision

Supervision goals

The goals of Enhanced Supervision differ from those of the previous system. The old system defined the goal of supervision as "engaging the available community resources or providing assistance directly to aid offenders in organizing their lives to successfully meet the challenges of life in conformity with the law."[3] The new system sets forth three supervision goals, which are tied directly to the statutory responsibilities of probation officers: to ensure compliance with the conditions of release, control risk, and provide correctional treatment to offenders, in that order of priority.

The new system's emphasis on ensuring compliance with release conditions stems from the concept that mandatory, standard, and special conditions of release will set the boundaries within which the court or U.S. Parole Commission expects an offender to be contained during the period of community supervision (they define what must be done) and establish the probation officer's authority to enforce compliance through strategies for controlling risk and providing correctional treatment (they limit what may be done).

The new system also defines success more objectively than did the old system. The measures of success under Enhanced Supervision are the degree to which the offender has complied with the conditions of release and addressed risk-control and correctional treatment issues, and the timeliness and appropriateness of the officer's intervention.

The supervision process

The general supervision process is the same under both the old and new systems, but Enhanced Supervision provides more specific guidance and better assessment tools. The supervision process in both systems involves identifying the problems to be addressed during six-month periods of supervision and designating the strategies to be used. However, Enhanced Supervision also includes the following:

- an assessment period of up to sixty days to gather and verify the information necessary to develop a responsive supervision plan;
- a checklist of common supervision issues in the areas of enforcing conditions, risk control, and correctional treatment;

- an initial supervision plan form that links specific supervision strategies to the issues identified as relevant in the case;
- principles for including strategies in the supervision plan (selection of the least intrusive method necessary to accomplish the goal, and realistic assessment of what can, as well as what should, be done);
- a more informative written monthly report form that asks specifically about compliance with various mandatory, standard, and special conditions; and
- a review process that requires a status report on each of the supervision issues identified in the previous six-month supervision plan, offender compliance with each requirement, and officer compliance with the plan.

Selecting supervision strategies

The most significant change in the Enhanced Supervision model is the way probation officers are to determine how an individual offender is to be supervised during each six-month period.

The old system guided supervision activity on the basis of risk assessment alone and relied on an actuarial prediction of risk, which could be "overridden" for various case factors, most of which related to risk. Based on the actuarial prediction and override factors, offenders were to be classified in one of two supervision categories: high and low activity. High-activity offenders were to be contacted in person by a probation officer at least once a month; low-activity offenders were to be contacted in person by a probation officer at least once, but no more than three times, a quarter. Other types of contacts were unregulated.

Enhanced Supervision retains the actuarial prediction of risk as one indicator of the need for risk-control supervision and incorporates the factors previously used as "overrides" as case problems to be addressed, but it goes further. The new system explicitly recognizes the necessity and legitimacy of supervision activities aimed at non-risk-related concerns, such as collecting fines and restitution and meting out punishment by enforcing conditions of community confinement. It differentiates between supervision activities designed to monitor offender behavior and those designed to help the offender in changing behavior.

The new supervision planning process requires probation officers to select from a menu of strategies one or more ways of addressing every issue identified as relevant to the case. Officers are instructed to do neither more nor less than merited by the circumstances of the case to enforce conditions, control risk, and provide necessary correctional treatment.

The new system has no minimum or maximum personal contact re-

quirements. In theory, personal contact requirements set outside limits rather than standards. In practice, the minimum too often becomes the norm or, even worse, the only real goal of supervision.

Enhanced Supervision does not devalue personal contacts; indeed, many of the supervision strategies, such as home inspections, require personal contact. It does, however, recognize that good, goal-directed supervision is not defined by the number of personal contacts but by what is accomplished during the course of the contacts.

Furthermore, Enhanced Supervision encourages probation officers to choose the type of activity that will accomplish a particular objective most effectively and efficiently. For example, a telephone conversation with a treatment provider is likely to yield more valuable information about an offender's progress in a program than asking the offender during an office visit how he or she is doing. Under the old system, the telephone contact would not count; under the new system, it is expected. Under the old system, as much credit was given for an office contact as for one in the community. The new system recognizes that most risk-control activities must be conducted in the field.

Pilot-testing the system

To determine whether Enhanced Supervision would work, the task force issued a draft monograph and forms for implementing the new approach and, in January 1990, selected six districts for a pilot test:

- Northern District of Illinois
- Northern District of Georgia
- District of South Carolina
- Northern District of Texas
- Southern District of Texas
- Western District of Washington

The test was not meant as a formal evaluation, but as a preliminary check on whether the system could work and if it was going in the right direction. It consisted of surveys of field personnel involved in the pilot and a comparison of an independent panel's ratings of the quality of supervision in samples of cases supervised in the old and new systems.

Field assessment of Enhanced Supervision

In the field assessment, all line and supervisory officers participating in the pilot were asked for their subjective assessments of differences between Enhanced Supervision and previous practice. "Previous practice," which varied from place to place and person to person, was purposefully left vague.

Surveys were sent to 120 line probation officers; 118 (98%) responded.

The large majority of probation officers (73%) preferred Enhanced Supervision to the old system. The preference for the new system was particularly strong among officers who had been on the job f , four years or less (37 officers), none of whom preferred the old system.

A number of probation officers commented that the new system enables them to organize their time better (they can devote more time to cases with problems; less to others), allowing them to "work smart" in addition to working hard. Although many comments indicated that implementation of the new system is severely hampered when the caseload exceeds 100 cases, there was no significant or consistent relationship between preference for Enhanced Supervision and actual caseloads.

Most respondents seemed particularly pleased to get away from the once-a-month office reporting ritual. Because the new system requires more fieldwork, however, many officers noted that proper equipment (communication devices, government cars, lap-top computers) and flexible and safety-oriented office policies (such as flextime and team supervision) would help them perform their supervision tasks better.

Surveys were sent to twenty-four supervisory probation officers; all responded. The results of this survey were similar to those of line officers. Only one supervisor expressed a preference (and that "slight") for the old system, and none thought the new system had a negative effect on the quality of supervision.

Case review

In addition to finding out if probation officers and supervisors thought that the new system could work, it was important to get an independent view of how the new system might affect supervision. The Probation Division and the U.S. Parole Commission assembled a panel of five experienced probation officers and a staff member from the Parole Commission (with prior experience as a probation officer) to rate the quality of supervision in selected cases. None of the raters had used or been trained in the Enhanced Supervision system.

Twenty cases were randomly selected from each pilot court, ten that commenced supervision under Enhanced Supervision and ten from the same time frame in 1989. Each panel member was assigned twenty cases through a stratified random system that balanced each set of cases by both time period and district. Raters were provided with all of the relevant case material and asked to grade the supervision in the case on a scale ranging from 1 (unacceptable) to 10 (excellent). During the review, it was discovered that some cases were missing crucial pieces of information; these were eliminated. A total of 110 cases were actually scored.

The panel gave significantly higher grades to the quality of supervision in Enhanced Supervision cases. The three districts that received the lowest grades for their supervision under the old system were the ones that improved under Enhanced Supervision. There was little or no change in the other three districts.

Although there were numerous methodological problems with this research associated with its short time frame, all of the evidence suggested that Enhanced Supervision was on the right track. As a result, the Committee on Criminal Law and Probation Administration and the U.S. Parole Commission approved a revised draft monograph for implementing the system. The new monograph is viewed as an evolving document: it will be revised periodically to incorporate new methods and suggestions that arise.

By the end of 1991, the Federal Judicial Center had trained every district in the new system. A formal evaluation of supervision under the new system is planned to begin in 1993.

Impact on the courts

Requests for removal or modification of conditions

Courts can expect to receive more requests from probation officers for modification or removal of conditions of supervision. An officer's initial assessment of a case may reveal that a particular condition is unenforceable (for example, a thorough financial review reveals that a court-imposed fine payment schedule cannot be met; review of test scores indicates that a condition to earn a GED is inconsistent with the offender's capabilities). In addition, circumstances may change over the course of supervision to render once appropriate conditions no longer feasible or productive. In such cases, officers will ask the court to modify or remove the condition. To retain—but not seriously enforce—an unrealistic condition would promote disrespect for the court order and seriously undermine the credibility of officers who tell offenders that it is their job to enforce the conditions of supervision.

Requests for additional conditions

The probation officer's authority to require an offender to do anything stems from the court order. An officer's initial assessment of a case may reveal problem areas in which the officer needs additional court authority to control risk or require correctional treatment (for example, the offender has a history of drug use and refuses drug testing on a voluntary basis). Also, situations will arise during supervision that require additional court authority (for example, a positive drug test will indicate the need for mandatory participation in a drug treatment program).

Complaints from attorneys

Enforcing each of the conditions of release will require in some cases that the probation officer be more restrictive with offenders than before, and the court may receive more complaints from offenders' attorneys. For example, offenders who are behind in their restitution payments will be denied recreational travel (one of the standard conditions is that the offender will not travel outside of the district without permission of the probation officer). Or, if an offender has or acquires unexplained assets or has a history of fraudulent or risk-related employment, the officer may be more likely to contact employers to verify the legitimacy of income and compliance with the standard condition that the offender must work.

Violations

The increased monitoring required by Enhanced Supervision will likely reveal more instances of noncompliance. The hope, of course, is that the new system's emphasis on early detection and intervention will, in the long run, deter future, more serious violations. But the point is that, because supervision is now a sentence, officers lack discretion to do nothing. The enforcement aspect of their responsibilities is similar to that of a warden, who may not ignore an escape beyond prison walls.

The purpose of early detection and intervention is to manage noncompliance in the community, not to revoke supervision in a knee-jerk reaction. The probation officer's responses are to be appropriate (the least restrictive necessary to bring the offender into compliance), timely, enforceable, and escalating (a more serious consequence for each subsequent instance of noncompliance).

Some sanctions will involve the court. Adding conditions was discussed earlier. A less intrusive response might be for the officer to send a letter of warning to the offender and a copy to the judge. Some districts might also be interested in adding options, such as a compliance hearing before a supervisory or chief probation officer, or even an informal compliance hearing before a magistrate judge or district judge. Courts should work with their probation offices to develop creative intermediate sanctions, giving appropriate consideration to due process. Revocation is now a resentencing process; avoiding it when consistent with public safety can, in the long run, save time for the court as well as help the offender to become a permanent member of the law-abiding community.

Revocations

Serious violations that place the public at risk or failure of a series of escalating sanctions to bring the offender into compliance will trigger a request for revocation of supervision. A probation officer's credibility is seriously undermined if the court does not take escalating action at this time.

While an inescapable result in some cases, divergence between officers' recommendations and courts' decisions should be minimized through the development of procedures that facilitate communication about supervision recommendations. For example, the court might adopt clear policies as to when recommendations for additional conditions or revocation are appropriate, or develop some way of systematically determining the circumstances under which the court does not support officer recommendations, and incorporate the information in officer training programs.

Conclusion

There is considerable enthusiasm throughout the probation system for Enhanced Supervision's renewed focus on supervision. To live up to its potential, the new system needs court support. For obvious reasons, courts tend to place great emphasis on the timely production of quality presentence reports. This is, of course, a vital function that the probation office performs and performs admirably; but the supervision function, though less visible to the court, is just as important. Probation officers carry out the court's sentence; unlike their presentence work, they do it without the continual oversight of attorneys and the court, and they do it, at times, at considerable personal risk. They need to know that the court is aware of and sensitive to the requirements of this difficult but rewarding task.

Notes

1. H. Wooten, S. Reynolds, T. Maher & B. Meierhoefer, *The Supervision of Federal Offenders* (1988) (available from the Probation Division of the Administrative Office of the U.S. Courts).

2. The task force members were the author; Harold Wooten and Steven Reynolds of the Probation Division; and Probation Chiefs Bruce Chambers (S.D. Ill.), William Foster (N.D. Ill.), Frank Gilbert (D. Or.), Al Havenstrite (N.D. Tex.), Carlos Juenke (S.D. Fla.), Daniel Rector (N.D. Ga.), Jack Saylor (D.S.D.), Charlie Varnon (E.D. Cal.), and Thomas Weadock (D. Mass.). David Leathery of the Federal Judicial Center's Court Education Division served as the training coordinator.

3. Probation Division, Administrative Office of the U.S. Courts, *The Supervision Process: Publication 106* (April 1983).

New projects and publications

Projects

The projects described below have been undertaken or are in development by the Center's Research Division. Readers who want more information on a project may call the project directors, whose telephone numbers are listed following their names.

Pilot judicial evaluation project

At the request of the Judicial Conference of the United States, the Center has delivered a synopsis and analysis of the pilot judicial evaluation project in the Central District of Illinois, which the court conducted under the auspices of the Judicial Conference Committee on the Judicial Branch. Research Associate Darlene Davis (FTS/202 633-6344) will report on the overwhelming positive response to the project from all participants in an article in a forthcoming issue of *FJC Directions.*

Use of experts in the district courts

Joe Cecil (FTS/202 633-6341) and Molly Treadway Johnson are working on a survey of the use of experts in civil trials. The Executive Committee of the Judicial Conference of the United States requested that the Center examine how courts deal with scientific and technical evidence. The findings of the survey will be used by the Standing Committee on Rules and the Advisory Committees on Civil and Criminal Rules to inform their pending decision on a proposed rule change relating to screening of expert testimony by district judges.

Use of DNA analysis in identification

Judith McKenna and Joe Cecil are preparing information on forensic DNA analysis as an identification tool. They expect to develop a protocol, in the form of a series of questions, to aid judges in determining the admissibility of and weight to be accorded evidence obtained by this emerging technology. This product, which will make use of the recommendations of the recent National Association of Science report, will serve as a model for the development of protocols for other types of scientific and technical evidence. Judges who have had experience with DNA evidence may wish to

contact Judith McKenna (FTS/202 786-6273) or Joe Cecil (FTS/202 633-6341) to discuss this project.

Recent Center publications

Copyright Law

Robert A. Gorman
1991, 156 pp., index
A monograph by Professor Robert A. Gorman of the University of Pennsylvania that covers the history of federal copyright law from its origins through the most recent cases. It is intended to provide an overview of the topic for judges who want a convenient and concise source of information. *Copyright Law* may be requested by writing to the Information Services Office, 1520 H Street, N.W., Washington, DC 20005. Please enclose a self-addressed label, preferably franked (16 oz.). Do not send an envelope. Persons outside the federal court system may purchase copies from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, tel. (202) 783-3238. Ask for item number 027-000-01341-4. The price is $5.00.

The Analysis and Decision of Summary Judgment Motions: A Monograph on Rule 56 of the Federal Rules of Civil Procedure

William W Schwarzer, Alan Hirsch & David Barrans
1991, 98 pp.
A monograph designed to improve understanding and use of Rule 56, which the authors point out has been "a source of controversy and confusion." The authors suggest ways of thinking about summary judgment that can help judges and lawyers make more effective use of the rule as a vehicle to reach the objectives of Fed. R. Civ. P. 1: the just, speedy, and inexpensive resolution of litigation. Copies may be ordered by writing to the Information Services Office, 1520 H Street, N.W., Washington, DC 20005. Please enclose a self-addressed label, preferably franked (16 oz.). Do not send an envelope. *The Analysis and Decision of Summary Judgment Motions* has also been published in 139 F.R.D. 144.

The Elements of Case Management

William W Schwarzer & Alan Hirsch
1991, 29 pp.
A primer designed to give judges a foundation for considering techniques and methods that can help manage their crowded dockets. The authors aim to stimulate thought about the available tools so that judges can select the ones most appropriate for their courts. *The Elements of Case Management* may be

ordered by writing to the Information Services Office, 1520 H Street, N.W., Washington, DC 20005. Please enclose a self-addressed label, preferably franked (16 oz.). Do not send an envelope.

Sentencing Federal Offenders for Crimes Committed Before November 1, 1987

James B. Eaglin
1992, 67 pp.
Describes the statutory federal sentencing alternatives for offenders convicted of crimes committed before the effective date of the U.S. Sentencing Commission's Sentencing Guidelines. The report relates sentencing alternatives to policies of the agencies that carry out sentences, such as the Federal Bureau of Prisons and the Parole Commission. The report includes limited comparisons of old and new law. *Sentencing Federal Offenders for Crimes Committed Before November 1, 1987* may be ordered by writing to the Information Services Office, 1520 H Street, N.W., Washington, DC 20005. Please enclose a self-addressed label, preferably franked (16 oz.). Do not send an envelope.

The General Effect of Mandatory Minimum Prison Terms: A Longitudinal Study of Federal Sentences Imposed

Barbara S. Meierhoefer
April 1992, 29 pp.
Examines the sentences imposed on federal offenders from 1984 through the first six months of 1990, a time during which the federal sentencing guidelines were promulgated and mandatory minimum sentencing statutes were enacted. The report presents a general overview of sentencing for the whole population, as well as a detailed analysis of mandatory minimum drug offenders over time, including the proportion who are sentenced at or above the mandatory minimum term and the changing influence of a number of offense and offender characteristics such as prior record, role in the offense, age, sex, and race. *The General Effect of Mandatory Minimum Prison Terms* may be ordered by writing to the Information Services Office, 1520 H Street, N.W., Washington, DC 20005. Please enclose a self-addressed label, preferably franked (16 oz.). Do not send an envelope.

ADR video programs from the Center

Judges and other federal judicial personnel interested in methods of alternative dispute resolution may be interested in viewing the following videotapes that are available on loan from the Center:

- *What's the Alternative* presents a brief introduction to the world of private and judicial ADR. Produced by the Center for Public Resources in 1990, this eighteen-minute program focuses on various ADR processes for business disputes. [1429-V/90]
- *Dispute Resolution and the Courts: An Overview* shows actual and simulated case studies of methods used in court-based dispute resolution. It describes mediation, court-annexed arbitration, and summary jury trials. This twenty-nine-minute program was produced in 1989 by the National Institute for Dispute Resolution. [1548-V/89]
- *Summary Jury Trials in the Western District of Michigan* explains the concept and mechanics of a summary jury trial, from the perspective of a federal district judge. Using fictitious cases, the program demonstrates a pretrial conference, attorneys' summary presentations in three types of cases, and a post-verdict settlement conference. This fifty-five-minute video was produced by the Federal Judicial Center in 1985. [VJ-071]
- *Out of Court: The Mini-Trial* features a dramatization of a mini-trial interspersed with commentary about the purposes and use of this ADR technique. The dispute presented involves liability for the loss of a supertanker. Each segment of the mini-trial is explained by experienced attorneys. This fifty-six-minute program, produced by the Center for Public Resources in 1986, can be used as a training video in preparation for a mini-trial. [507-V]

Requests to borrow any of these programs should be directed to the Media Library, Federal Judicial Center, 1520 H Street, N.W., Washington, DC 20005. Please include the FJC catalog number (indicated in brackets above) when submitting a request.

Also of note

Professor Linda Mullenix, a Judicial Fellow at the Center in 1989–1990, has published *Beyond Consolidation: Post-Aggregative Procedure in Asbestos Mass Tort Litigation,* 32 Wm. & Mary L. Rev. 477 (1991), a study of *Cimino v. Raymark Industries,* No. 86-0456-CA (E.D. Tex., Beaumont Division), and *In re School Asbestos Litigation,* Master File No. 83-2068 (E.D. Pa). The article, a product of Professor Mullenix's judicial fellowship, documents that judges in both cases were able to manage effectively many traditional issues that are often troublesome in class actions, such as certification, notice to class members, choice of law, and organization of counsel. It also documents the process of formulating a trial plan and details the innovative approach that Judge Parker developed in *Cimino* with the aid of special masters. That plan, which has been appealed to the Fifth Circuit, centered on obtaining jury verdicts for a representative sample (150 individuals, representing five disease categories) of the individual plaintiffs' damage claims. The court then awarded the average verdict in a disease category to plaintiffs with that disease.

The Coordinating Council on Life-Sustaining Medical Treatment Decision Making by the Courts, the National Center for State Courts, and the State Justice Institute have published *Guidelines for State Court Decision Making in Authorizing or Withholding Life-Sustaining Medical Treatment.* The guidelines are the culmination of a two-year project designed to provide practical assistance to state trial court judges asked to resolve cases involving life-sustaining medical treatment. Copies of the guidelines have been distributed throughout the state court systems and a range of national associations. The Council also has some additional copies available. Federal judges may request a copy free of charge; other interested individuals should enclose $2.25 to cover mailing costs. Copies will be provided as supplies allow. Please write to Ms. Carrie Clay, National Center for State Courts, 300 Newport Ave., Williamsburg, VA 23187-8798. Please refer to DRLMT Guidelines.

Errata

The Center has discovered two errors in *FJC Directions* no. 2, which was a report on the Center's study of Rule 11. On page 23, the first full paragraph on the page and Table 13 should read as follows:

We also found that in four of the five districts, the imposition rate for represented civil rights plaintiffs and their attorneys was comparable with that for all other types of litigants and cases (see Table 13). In the fifth district, the imposition rate for represented civil rights plaintiffs and their attorneys was slightly, but not significantly, higher than that for all other types of litigants and cases.

Table 13
Rate at which Rule 11 sanctions are imposed

	D. Ariz.	D. D.C.	N.D. Ga.	E.D. Mich.	W.D. Tex.
Represented plaintiffs and their attorneys in civil rights cases	17%	33%	29%	47%	33%
All other types of litigants and cases	27%	19%	24%	29%	29%

In the paragraph following Table 13, the final sentence should refer to five of twelve rulings in Eastern Michigan.

On page 33, the paragraph under the heading "The rule's effect on settlement" and Table 20 should read as follows:

The rule's effect on settlement

A smaller but still significant percentage of judges also find that Rule 11 has had an adverse effect on settlement negotiations. As shown in Table 20, 20% of 429 respondents said a request for Rule 11 sanctions impedes settlement in more cases than not. Over two-thirds, however, said a Rule 11 request has no impact on settlement or has no net effect because it impedes settlement in some cases while encouraging it in others.

Table 20
Judges' assessment of the effect of a request for Rule 11 sanctions on the likelihood of settlement

Effect on Settlement	Percentage of 429 Respondents
Impedes settlement in more cases than not	20.3%
Encourages settlement in more cases than not	11.0%
Impedes in some cases, encourages in others	31.7%
Has no impact	37.1%

ABOUT THE FEDERAL JUDICIAL CENTER

The Center is the research and education arm of the federal judicial system. It was established by Congress in 1967 (28 U.S.C. §§ 620–629), on the recommendation of the Judicial Conference of the United States.

By statute, the Chief Justice of the United States chairs the Center's Board, which also includes the director of the Administrative Office of the U.S. Courts and six judges elected by the Judicial Conference.

The Court Education Division provides educational programs and services for non-judicial court personnel such as those in clerks' offices and probation and pretrial services offices.

The Judicial Education Division provides educational programs and services for judges. These include orientation seminars and special continuing education workshops.

The Planning & Technology Division supports the Center's education and research activities by developing, maintaining, and testing information processing and communications technology. The division also supports long-range planning activity in the Judicial Conference and the courts with research, including analysis of emerging technologies, and other services as requested.

The Publications & Media Division develops and produces educational audio and video programs and edits and coordinates the production of all Center publications, including research reports and studies, educational and training publications, reference manuals, and periodicals. The Center's Information Services Office, which maintains a specialized collection of materials on judicial administration, is located within this division.

The Research Division undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, often at the request of the Judicial Conference and its committees, the courts themselves, or other groups in the federal system.

The Center's Federal Judicial History Office develops programs relating to the history of the judicial branch and assists courts with their own judicial history programs.

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