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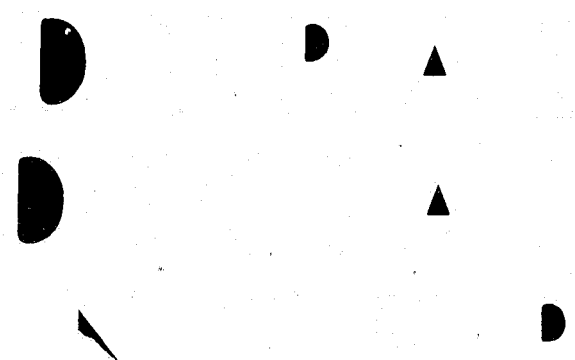
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ATTENTION



a message from the director



WILLIAM W. SCHWARZER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

science in th

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

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

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

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

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

A final note

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

William W. Stewart

The Federal Judicial Center

Statutory authority, congressional appropriation, and staffing

The Federal Judicial Center is the continuing education and research arm of the federal judicial system. Congress established it by statute in 1967 as a separate organization within the judicial branch at the request of the Judicial Conference of the United States (see 28 U.S.C. §§ 620–629). The Center had a fiscal 1993 appropriation of \$18,600,000, and it employed 162 people throughout the year. Its fiscal 1994 appropriation has been reduced to \$18,450,000, and its staffing level remains the same.

Governance and organization

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. In 1993, the Judicial Conference elected Judge Elizabeth L. Perris of the U.S. Bankruptcy Court for the District of Oregon to membership on the Center's Board, replacing Judge Sidney B. Brooks of the U.S. Bankruptcy Court for the District of Colorado, whose term expired.

In addition to determining the Center's basic policies, the Board oversees the Center's activities through standing committees on education and research. The Board appoints the Center's director and deputy director; the director appoints the Center's staff. Five divisions and two offices carry out the Center's primary missions.

The **Court Education Division** develops and administers education and training programs and services for nonjudicial court personnel, such as those in clerks' offices and probation and pretrial services offices, and management training programs for court teams of judges and managers.

The **Judicial Education Division** develops and administers education programs and services for judges, career court attorneys, and federal defender office personnel. 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, as well as supporting long-range planning activities of the Judicial Conference and the courts with research, including analysis of emerging technologies.

The **Publications & Media Division** develops and produces video and audio programs and edits and coordinates production of all Center publications; the Center's Information Services Office, which maintains a specialized collection of materials on judicial administration, is part of this division.

The **Research Division** undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, usually at the request of Judicial Conference committees and the courts themselves.

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

The **Interjudicial Affairs Office** serves as clearinghouse for the Center's work with state-federal judicial councils and coordinates programs for foreign judiciaries, including the Center's Visiting Foreign Judicial Fellows Program.

Responsibilities and reporting requirements

The Center's mandate is "to further the development and adoption of improved judicial administration" in the courts of the United States (28 U.S.C. § 620(a)). The many specific statutory duties of the Center and its Board fall into a few broad categories:

- conducting and promoting orientation and continuing education and training programs for federal judges, court employees, and others;
- conducting and promoting research on federal court organization, operations, and history, including cooperating with the State Justice Institute in research programs concerning the administration of justice;
- developing recommendations about the operation and study of the federal courts;
- providing planning and research assistance to the Judicial Conference;
- providing information and assistance to foreign judicial and legal personnel.

The Center is also required to make an annual report to the Judicial Conference, and copies of all reports and recommendations submitted to the Conference must also be sent to Congress and to the Attorney General. This annual report for calendar year 1993 describes Center activities in furtherance of its statutory duties.

Location

The Center is located in the Thurgood Marshall Federal Judiciary Building in Washington, D.C., a building it shares with the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, the Judicial Panel on Multidistrict Litigation, and chambers for retired justices of the Supreme Court.



Senior staff of the Center: (l. to r.) William B. Eldridge, Division Director, Research; Gordon Bermant, Division Director, Planning & Technology; Russell R. Wheeler, Deputy Director; William W. Schwarzer, Director; Steven A. Wolvek, Division Director, Court Education; Cynthia E. Harrison, Chief, Federal Judicial History Office; Denis J. Hauptly, Division Director, Judicial Education; Sylvan A. Sobel, Division Director, Publications & Media; James G. Apple, Chief, Interjudicial Affairs Office.

Education and Training

Developing and delivering cost-effective education and training programs to the large diverse and geographically dispersed and diverse workforce is a major challenge for the defense industry. The industry is currently facing a number of challenges that are forcing it to re-examine its training programs. These include the increasing demand and decreasing budgets for education and training, the need to attract and retain a diverse workforce, and the need to respond to the rapidly changing technology and industry requirements. The industry is currently facing a number of challenges that are forcing it to re-examine its training programs. These include the increasing demand and decreasing budgets for education and training, the need to attract and retain a diverse workforce, and the need to respond to the rapidly changing technology and industry requirements.



Paul M. Jr.

Honorable Gloria Burns

Honorable Gloria Burns

Programs for judges

The Center sponsored thirty-four programs for judges, legal staff, and federal public defenders in 1993, which reached more than 2,700 participants.

National seminars

In response to a suggestion by its Board, the Center suspended its regular series of circuit and regional programs for judges in 1993 to test the concept of national seminars. These national programs let the Center offer a wider array of topics than at smaller, regional workshops, and help promote exchange of ideas. Evaluations from the national district judge seminars indicate unusually strong support for repeating this format.

In addition to national seminars for all judges, the Center also presented national programs for staff attorneys and for federal defenders.

Traveling seminars

During 1993, the Center offered four one-day or two-day programs for presentation in individual districts. Each of the four programs (settlement, bioethics, statistics, and law and literature) was offered on six different dates. On a per capita basis, these programs cost roughly one-fourth the amount of a traditional program. The Center expects to offer traveling programs in 1994 in statistics, settlement, and gender bias, with more flexible scheduling options to accommodate the needs of the host districts.

Orientation programs

Orientation programs for judges have long been a staple of the Center's curriculum. Groups of twelve or fewer new district, bankruptcy, or magistrate judges attend an initial one-week regional seminar, which uses Center-produced video programs along with discussions led by experienced judges to introduce new judges to important procedural and case management concepts. Later in their first year, these same judges attend an intensive one-week program of lectures, panel presentations, and roundtable discussions at the Center.

New circuit judges are invited to attend the appellate orientation program conducted by the Institute for Judicial Administration, at New York University and supported by the Center.

The Center continually updates its orientation videos. In 1993, it produced new programs for district judges on sentencing and other criminal post-trial matters and on working with court staff and support personnel as well as an updated program on evidence. It also completed the first four parts of a new five-part orientation series for magistrate judges, mainly on criminal litigation and administrative matters. Also produced were a video panel discussion on the role of magistrate judges and a video lecture on federal jurisdiction.

Special programs

The Center presented special programs for judges on science and technology, environmental law, maritime law, intellectual property, criminal procedure, and financial accounting. It also cosponsored the Medina Seminar at Princeton University, a seminar on immigration with the Smithsonian Institution, and two programs for appellate judges at New York University. In addition, it provided support for two judges attending the graduate program for judges at the University of Virginia. The Center also cosponsored with ALI-ABA national videocasts on the new civil rights act and amendments to the Federal Rules of Civil Procedure.

Participants in Center orientation programs

17	circuit judges
60	district judges
45	magistrate judges
65	bankruptcy judges
88	assistant federal defenders
203	probation and pretrial services officers

Programs for court teams

The Center conducted several team development programs in 1993. They included:

- A juror utilization and management workshop for teams of chief judges (or jury judges), clerks, and jury administrators from selected district courts. The courts learn from one another and from Center and AO experts. One chief judge reported that as a result of grand jury selection techniques learned at the workshop, the district anticipated more than \$58,000 in annual savings.
- A team-building workshop for chief judges and clerks of court from U.S. bankruptcy courts.
- Joint sessions on negotiation skills and leadership for clerks and chief deputies of the U.S. courts of appeals.
- The first-ever combined training session for clerks and chief deputies of U.S. bankruptcy courts.
- A pilot workshop in the Southern District of California Bankruptcy Court for virtually the entire court staff—from judges to filing clerks—and trustees, attorneys for debtors and creditors, and representatives from such agencies as the IRS and the Federal Records Center. The program was designed to help align a court with its “customers” and provide an opportunity for the customers to analyze the system.

Judicial Education Division Seminars & Workshops, Jan. 1–Dec. 31, 1993

	<i>Number of Seminars & Workshops</i>	<i>Number of Participants</i>
Circuit and district judges	18	1,050
Bankruptcy judges	7	437
Magistrate judges	4	454
Federal defender personnel	4	643
Staff attorneys	1	135
TOTAL	34	2,719

Court Education Division Seminars & Workshops, Jan. 1–Dec. 31, 1993

	<i>Number of Seminars & Workshops</i>	<i>Number of Participants</i>
Clerks of court and clerk's office personnel (circuit, district, bankruptcy)	20	722
Probation and pretrial services officers	42	1,481
Court training specialists	8	264
Programs for personnel in several categories	23	641
TOTAL	93	3,108

Programs for court staff

More than 20,000 court staff participated in Center educational programs in 1993 through seminars and workshops, curriculum package programs, and locally developed programs funded by the Center.

National programs on court management and administration

The Center offers a variety of programs to assist court managers in meeting the challenges of a diverse work force and the demands of increased responsibilities with limited resources.

- The Summer Institute for Senior Court Managers addressed strengthening managerial performance and selected organizational issues.
- The National Conference for Chief Probation and Pretrial Services Officers featured workshops on intermediate sanctions and on supervising offenders under home confinement.
- Programs for first-line supervisors and mid-level managers focused on improving team performance.

Leadership Development Program

In response to a request from the Judicial Conference Committee on Criminal Law, the Center designed the Leadership Development Program to prepare probation and pretrial services personnel to fill the leadership vacuum anticipated as the large group of senior officers who entered the system during the 1960s approach retirement age. The first leadership development class, consisting of 120 participants, entered the second phase of the three-year program in 1993. A second class entered the program in January.

The rigorous program is multi-phased and includes:

- an introductory video program (instead of an opening seminar);
- a forty-hour self-study course on supervision;
- a written management practices report on selected supervisory and management topics;
- an in-district project on some aspect of the district's management or operation;
- a Center-sponsored leadership development workshop;
- a temporary out-of-district duty assignment and a written report on the experience; and
- a Center-sponsored executive leadership seminar.

Participants must collaborate closely with their chiefs and with mentors assigned by the Center to each participant to provide guidance with research proposals. Al-

though successful completion of the course does not guarantee that the graduates will be selected for leadership positions, the participants will benefit from learning critical management skills.

Requests from clerks' offices and other non-probation and pretrial units led the Center to launch a separate Court Managers Leadership Development Program for those employees. It is currently being pilot-tested in the Fourth, D.C., and Federal Circuits. A Center-produced audiotape introduces the program, which consists of a curriculum tailored to the needs of court managers.

Assistance to the Administrative Office

Under an interagency agreement, the AO turns to the Center for expert assistance on the design and development of training programs (such as training for decentralized budgeting) and the training of trainers.

Expanded options for in-court training

The Center is expanding the training options available to court staff, relying more and more on formats that bring training directly to the courts. Programs that are developed nationally and delivered locally promote partnership between the Center and the courts. The result is training that is effective, flexible, and economical.

Curriculum packages

Curriculum packages are detailed instructional programs that Center-trained court personnel can present to employees directly in their courts. The Center produces some curriculum packages and purchases others from commercial sources. A typical curriculum package includes an instructor guide, overhead transparencies, and participant materials. Many packages also include a Center-produced or commercially produced videotape.

By developing its own curriculum packages, the Center can tailor programs to the needs of court staff. In 1993, for example, the Center developed programs for probation and pretrial services officers on such specialized topics as ethics, officer safety (with Center-produced videos), supervising pretrial defendants, and pretrial services skills for probation officers in combined districts. It also produced packages on more general topics and tailored the materials for court use, such as key job skills for courtroom deputies and probation support staff, and presentation skills and conducting exit interviews for managers. Pilot programs on financial investigation strategies, supervising substance abusers, and working with mentally disordered offenders were conducted for probation officers. A pilot program on managing employee relations was presented to court managers.

Court staff contribute directly to the success of curriculum packages by helping to plan content, developing lessons and activities, evaluating pilot programs, and serving as

instructors or facilitators. Once the Center has developed a curriculum package, it usually selects court staff to participate in a training-for-trainers workshop where they learn the curriculum content and the presentation and facilitation skills needed to teach the curriculum effectively. The number of trainers required to deliver a Center curriculum package varies, depending on how quickly it must be implemented. Some packages may require a trainer in every district; for other packages, a small number of trainers may conduct the program from district to district or regionally, on request.

Before developing its own packages, the Center reviews packages that are available in the commercial market. When the Center purchases a commercial package, it sometimes produces a video to tailor the

package for court use. Commercial packages offered by the Center in 1993 included *FrontLine Leadership* (with Center-produced video segments), a modular supervisory skills course, *Facilitating Successful Meetings*, and *Workplace Skills*, a course on basic job skills for non-supervisory support staff.

Traveling seminars

Through traveling seminars for court staff, teams of Center faculty deliver Center-produced programs, on request, in a single district or to small groups of employees from several districts. The Center offered a traveling seminar on negotiation skills to mid- and upper-level court managers this year and pilot-tested a program on effective learning skills for nonsupervisory personnel.

CURRICULUM PACKAGE PROGRAMS OFFERED BY THE CENTER

	Number of Programs	Number of Participants
Clerk's office personnel	117	1,833
Probation and pretrial services officers	420	7,083
Programs for personnel in several categories	65	1,411
TOTAL	602	10,327

LOCALLY DEVELOPED PROGRAMS FUNDED BY THE CENTER

	Number of Programs	Number of Participants
Clerks of court and clerk's office personnel (circuit, district, bankruptcy)	93	4,396
Probation and pretrial services officers	74	3,217
Programs for personnel in several categories	5	379
TOTAL	172	7,992

Computer-based training

Training delivered by computer combines the independence of self-study with the advantages of an interactive medium. Computer-based, multimedia training can offer the learner choices about the sequence and pacing of material, as well as reinforcement and corrective feedback. The technology allows the Center's educators to develop new training materials that combine text, sound, graphics, and animations, on ordinary computer diskettes or CD-ROM disks. Once a program has been developed on a disk, duplicating the disks in large numbers is relatively inexpensive, so the training program can be distributed to all courts that have the appropriate computer equipment.

In 1993, the Center developed and pilot-tested a computer-based training program for deputy clerks on the Federal Rules of Civil Procedure. The program provides several mechanisms for easy access to all of the rules and allows users to test their knowledge of and skill in applying the rules through a series of quizzes and court-based scenarios. Users select the appropriate rule for each scenario and receive feedback on their responses. The program also contains information on procedures for modification of the rules, a bibliography, and a glossary of terms. It will be available to the courts in 1994 (up to date through the 1993 amendments) in both IBM and Macintosh formats. A similar program on the Federal Rules of Bankruptcy Procedure is now in development.

To demonstrate the enhanced effectiveness of multimedia containing video, the Center has produced a multimedia program, *Introduction to the Federal Courts*, that is based on the Center's video orientation program for new court staff. It will be pilot-tested in early 1994.

Computer bulletin boards

Using the Administrative Office computer network, the Center is pilot-testing several computerized bulletin boards that allow court staff throughout the system to communicate directly about educational programs and opportunities. One bulletin board allows training specialists to obtain descriptions of training programs developed in other courts, bibliographies of training resources, updates on the Center's media library acquisitions, and an up-to-date directory of court trainers. Trainers can also send messages, post inquiries, and ask for help from the Center and each other. Other bulletin boards are being designed to allow the exchange of ideas and information among various groups, such as trainees at national or regional seminars or facilitators of packaged training programs.

Self-study packages

Self-study packages permit court employees to work through material at their own pace, without the direct supervision of an instructor. Self-study packages may include videos, printed information, exercises, and workbooks. *Applied Supervision* is an example of a commercially produced self-study program that the Center offers. It is a forty-hour supervisory training course for nonsupervisors who aspire to court leadership positions. It includes text, supplementary readings, and audiocassettes.

Program development guides

To help courts develop training programs and customize them for their particular needs, the Center produces program development guides on a number of topics. The guides provide instructions and suggestions on how to develop an instructional curriculum using consultants and other local resources. They are particularly helpful when there is a general need for training on a given topic, but the requirements vary widely from district to district. In 1993, the Center developed two program development guides on AIDS issues in the workplace to meet the needs of three different groups—general staff, managers, and probation and pre-trial services officers. Each guide contains sample course objectives and content outlines, suggested instructional strategies and exercises, and sources of consultants and print and media resources on AIDS.

Local training

Because courts sometimes have unique training needs for their staffs, the Center provides technical assistance and limited funding to court training specialists who design and develop programs that are conducted in-house. The Center conducts orientation and continuing education programs for the court training specialists. It also publishes *Court Training Resources*, an instructional handbook about services and package programs available through the Center, and a training newsletter, *Connections*, for training specialists, managers, and others.

Research and Planning

Center research is both descriptive and evaluative. It provides information about current developments in case management, the litigation process, sentencing, court administration and government activities. It analyzes their effects. At the same time, it provides evaluation of programs and indicates how the courts might be more effective. While much of the center's research has been performed in the form of litigation, some research has been conducted in the form of surveys and interviews. The center's Project on Federal Courts, which is the focus of this section, highlights center research in the area of federal courts.

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EXPERIMENTAL
RESEARCH
IN
COURTS
AND
JUDICIAL
SYSTEMS

Federal Judicial Center

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Report to Congress on structural alternatives for appellate courts

The Federal Courts Study Committee Implementation Act of 1990 requested the Board of the Center to study and report to Congress and the Judicial Conference on "the full range of alternatives for the federal courts of appeals." The Center completed its study and report, *Structural and Other Alternatives for the Federal Courts of Appeals*, in 1993. The report does not offer recommendations for restructuring the courts of appeals; it analyzes the reasons often cited for restructuring the federal appellate courts and the many alternatives that have been proposed to that end. The report concludes that some assertions about the problems of the courts of appeals are overstated, and it questions whether major structural change is warranted.

Assistance to gender bias task forces

The Center is developing a guide to assist the gender bias task forces that most of the circuits are creating, partly in response to the Judicial Conference's endorsement of Title V of the pending Violence Against Women bill (Senate version). The guide will provide practical advice to the task forces on conducting studies of gender issues, including technical assistance on research methods.

ADR conference

In cooperation with the Center for Public Resources and the Litigation Section of the ABA, the Center presented a national conference attended by judges and attorneys from nearly all districts to analyze ADR options and the elements of successful programs.

Science and technology

With the assistance of a Carnegie Corporation grant, the Center has developed a three-year research and education project to help federal judges deal with scientific and technical evidence. The core of the project is a reference manual on scientific and technical evidence, which will provide guidance on standards for admissibility and management of expert testimony and on special procedures appropriate for extraordinary cases. The manual, scheduled for release in 1994, will break down the methodology of specific areas of forensic science in which expert evidence commonly presents difficult issues. A series of protocols on specific topics—epidemiology, toxicology, survey evidence, statistical inference, multiple regression analysis, forensic analysis of DNA, and estimation of economic loss—will explain the methods and the reasoning of the science, identify the issues most commonly in dispute, and illuminate their analysis. Protocols will be made available to the bar, and parties will be encouraged to supplement them with material relevant to the particular case.

The Center will also conduct a series of seminars and workshops to demonstrate the use of the manual and to assist federal judges in dealing with complex issues of science and technology. The manual, together with supporting teaching materials such as videotapes and syllabi, will be made available to state courts as well as to the bar.

As part of the project, the Center will also conduct research to inform the development of rules and procedures to govern expert testimony and will serve as a channel of communication between the judicial and scientific communities. A Center report, *Court-Appointed Experts: Defining the Role of Experts Appointed Under Federal Rule of Evidence 706*, was published in 1993.

National Commission on Judicial Discipline and Removal

The Center prepared two reports at the request of the National Commission on Judicial Discipline and Removal, which filed its final report in August 1993.

- The Research Division studied the administration of the Judicial Conduct and Disability Act of 1980 by reviewing a sample of 469 files in eight circuits and interviewing chief judges, circuit executives, clerks of court, and other staff in those circuits. The commission recommended a number of changes in procedures and standards based on the Center's study. The Judicial Conference's Committee to Review Circuit Council Conduct and Disability Orders is considering a number of actions in response to those recommendations. The division continues to consult with the committee staff regarding steps to be taken to implement the commission's recommendations.
- The Federal Judicial History Office prepared a report entitled *Why Judges Resign: Influences on Federal Judicial Service, 1789-1992*.

Both reports are included in the commission's report to Congress. A condensed version of the judicial conduct and disability report will be published in a forthcoming issue of the *University of Pennsylvania Law Review*. (Copies of the article will be available from the Center.) An expanded version of *Why Judges Resign* is available from the Center.

Support for Judicial Conference committees

This section describes research and other support that the Center has provided for the Judicial Conference committees identified below. In all of its efforts on behalf of Judicial Conference committees, the Center has worked cooperatively with the Administrative Office.

Court Administration and Case Management

Media access to civil trials (cameras in the courtroom experiment)

The Center completed its evaluation of the Judicial Conference's thirty-six-month pilot project on cameras in the courtroom and submitted the final project report and recommendations to the committee. Evaluation of the experiences of the pilot courts did not identify any major problems or issues with the program.

Assistance in implementing the Civil Justice Reform Act of 1990

The Center, along with the Administrative Office, is reviewing cost and delay reduction plans from each of the districts. Results of the review will undergird the Conference's final report to Congress in 1994 on all ninety-four districts' plans.

The Center's evaluation of programs in the demonstration districts is on schedule to produce a final report to Congress in December 1995. Center staff are regularly called on for advice and information on cost and delay reduction procedures adopted by the courts.

Voluntary court-annexed arbitration

A study of the ten voluntary arbitration programs continued, with the Center's report scheduled for completion in 1994. Seven districts now have programs in place; all are experiencing difficulty attracting cases.

Appellate commissioners

The committee has asked the Center to assist a subcommittee in appraising a Ninth Circuit proposal for creating a new position of appellate commissioner, who would be authorized to perform a range of duties to relieve demands on judge time.

Long-Range Planning

Judicial survey

The Center evaluated and presented to the committee the results of a survey of all federal judges on numerous long-range planning questions of interest to the committee. The response rate, approximately 80%, was consistent with the traditionally high response rate judges provide to Center questionnaires. The Center has also surveyed all state court justices and other appellate judges on long-range issues relating to state and federal courts.

Size of the federal judiciary

The Center analyzed the arguments for and against limiting the size of the judiciary, a topic of considerable interest to the Judicial Conference and the judiciary, in the publication *Imposing a Moratorium on the Number of Federal Judges*. At the committee's request, the Center also organized and conducted a seminar for judges, academics, and knowledgeable practitioners on the question.

Discussion papers

The Center is preparing a series of discussion papers to inform and focus the debate on other topics pertinent to the courts' long-range planning: federalization, court governance, alternative dispute resolution, criminal justice, and demographic diversity.

Administration of the Bankruptcy System

Bankruptcy case management manual

The Center is compiling a case management manual for the bankruptcy courts, in conjunction with the Administrative Office and under the supervision of the committee's case management subcommittee. The manual contains information on many case management procedures for bankruptcy cases. Completion is expected in 1994.

Survey of long-range research needs

The Center completed its survey of all bankruptcy judges regarding areas in which future research efforts might be needed. The results were reported to the committee, which will use them to plan future bankruptcy research.

Follow-up of the bankruptcy time study

The Center's 1990 bankruptcy time study does not differentiate Chapter 11 filings that involve \$1 million or more. To assist the committee and the Administrative Office in responding to this limitation, the Center prepared materials that (1) review use of case weighting in bankruptcy courts, (2) describe problems of method and logic associated with weighting very large cases, and (3) describe Center research now under way to identify Chapter 11 cases likely to involve extraordinary burdens.

In forma pauperis proceedings

Working closely with a subcommittee exploring the likely consequences of proposed statutory changes that would permit *in forma pauperis* proceedings in the bankruptcy courts, the Center designed a controlled experiment to assess the administrative and financial consequences of such a change.

Automation and Technology

The committee received demonstrations of the multimedia technology that the Center is incorporating in its educational programs and of the computer-aided software engineering methods that the Center's technology staff uses in developing Center-wide databases.

Criminal Law

Sentencing legislation

Center staff provided legislative and policy analysis and drafting assistance to aid the committee in its continuing efforts to monitor and respond to legislative efforts of the U.S. Sentencing Commission and others to amend the mandatory minimum sentencing statutes.

Sentencing institutes

Three sentencing institutes were conducted in 1993, completing the first round of institutes in the era of guidelines. There are no plans to conduct sentencing institutes in 1994, partially because of funding considerations but also to allow time to assess likely effects of recent and possible future changes in sentencing guidelines, policy statements, and legislation.

Parole Commission Sanction Center

The Center is evaluating the U.S. Parole Commission's Sanction Center Program. The sanction centers provide a "halfway back in" alternative to sending technical parole violators back to prison. The study will examine the three pilot facilities in the Washington, D.C., area.

Enhanced probation supervision evaluation

Center staff assisted the Administrative Office in evaluating the enhanced supervision program, helping with the data collection and analysis of efforts in a sample of twenty districts.

Risk prediction and probation caseload management study

The Center has worked in this area for more than a decade. It is now constructing and validating a new risk prediction device to aid federal probation officers in decisions on offender supervision. The study, coordinated with the Bureau of Prisons, covers a cohort of 3,700 federal offenders whose supervision began in 1989.

Committee on the Judicial Branch

Size of the judiciary

The Center assisted the committee as it developed its position on the question of the appropriate size and rate of growth of the federal judiciary.

Judicial independence

The committee has asked the Center to assist a newly appointed subcommittee in responding to judges' requests for a concrete measure of the proper limits on the constitutional concept of judicial independence.

Judicial Resources

Appellate judgeship needs

The Center is working with the committee to determine the best way to meet the Judicial Conference's September 1993 call "to devise expeditiously an updated, comprehensive method for evaluating needs for permanent circuit judgeships."

Appellate operating procedures

At the request of the subcommittee on statistics, the Center is preparing a report that summarizes appellate court operating procedures. The report will be an important adjunct of the committee's reappraisal of its method for determining the need for additional appellate judgeships. A related report addresses formal and informal practices for avoiding intercircuit and intracircuit conflict, an issue of concern also to the Advisory Committee on Appellate Rules.

District court time study

The study is nearing completion. New case weights have been prepared from the time study and approved by the committee.

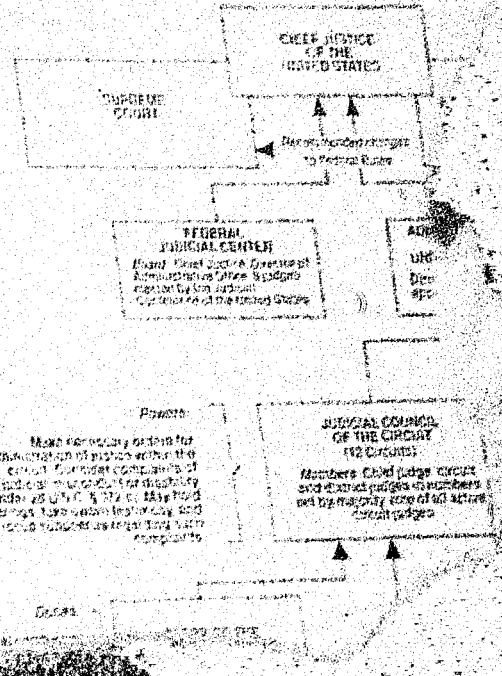
Interjudicial Affairs

The Center provided assistance to the Judicial Conference Committee on International Judicial Relations.

Federal Judicial Administration



FEDERAL JUDICIAL ADMINISTRATION



The Federal Judicial Administration is a complex system of courts and administrative bodies. The Chief Justice of the United States is the head of the Federal Judiciary. The Supreme Court is the highest court in the land. The Federal Judicial Center is the administrative arm of the Federal Judiciary. The Judicial Council of the Circuit is the administrative body for each circuit. The Advisory Board is a non-judicial body that provides advice to the Chief Justice and the Judicial Council of the Circuit. The Panel is a body that makes necessary orders for dissemination of justice within the circuit.

Federal judicial history programs

In addition to work described earlier on behalf of the National Commission on Judicial Discipline and Removal, the Center's 1993 judicial history activities included the following.

Supreme Court oral history project

The series of oral history interviews with retired Supreme Court justices, launched in 1992 with the support of the Supreme Court Historical Society, continued with the preparation of final annotated transcripts, for review by the justices or their families.

Judges' papers and court records

Questions about the preservation of judges' papers received unusual attention following the Library of Congress's opening of the papers of Justice Thurgood Marshall. The Center responded to a request from the Senate Governmental Affairs Committee's Subcommittee on Regulation and Government Information for comments on these issues; the Center's statement was coordinated with the office of the administrative assistant to the Chief Justice.

Work with the National Archives, the Administrative Office, and other court staff advanced during 1993 on a proposed revision of the records schedules for the U.S. courts. The Center is also producing a video program for court staff on records management.

Judicial biography

The Center has gathered extensive biographical information on almost 900 sitting judges in preparation for its revision of *Judges of the United States*, the biographical encyclopedia published initially in 1982 by the Judicial Conference Committee on the Bicentennial of the U.S. Constitution. Data will also be used to develop a Center-designed, automated biographical database of all federal judges.

Federal Judicial Center history

In commemoration of its twenty-fifth anniversary, the Center is preparing a reference volume describing the first twenty-five years of its work.

Judicial federalism

State-federal judicial councils

The Center continued support for state-federal judicial councils by providing financial assistance for federal judges to attend council meetings and by supporting the first Western Region Conference on State-Federal Judicial Relationships (which included Center-produced, videotaped remarks by Associate Supreme Court Justice Sandra Day O'Connor).

The Center's publication *Organizing and Maintaining a Council of State and Federal Judges* was distributed widely among judges and court administrators in both systems to assist in the organization or revitalization of these councils. There are now twenty-eight active councils in the United States; six have been organized since the creation of the Center's Interjudicial Affairs Office in April 1992, and another nine have been reactivated since that time.

The Center also provided assistance and advice to organizers of new councils.

State-Federal Judicial Observer

Working with the National Center for State Courts, the Center published the first four issues of the *State-Federal Judicial Observer*, a newspaper about state-federal judicial cooperation. The *Observer* reported on the formation and activities of new and existing state-federal judicial councils, state-federal judicial education seminars, national and regional conferences on state-federal relations, testing of new rules of procedure in state and federal courts, state-federal cooperation in the handling of mass torts, gender bias in both court systems, and state-federal issues in the handling of capital cases. The December issue included an interview with Justice O'Connor and an op-ed piece by Judge Stanley Marcus, who chairs the Judicial Conference Committee on Federal-State Jurisdiction.

Assistance to foreign judiciaries

Seminars on jury system

At the request of the Department of State, and with the assistance and cooperation of the Administrative Office, the Center conducted two two-week seminars on the American jury system for forty judges, prosecutors, and legal specialists from the Russian Federation. These seminars were produced in anticipation of legislation in Russia to establish the jury system. The Russians participated in a mock jury trial, observed live jury trials, and listened to lectures on every aspect of the jury trial process, presented by a faculty that included federal judges, attorneys, and court administrators.

U.S.—Canada Legal Exchange

The Center, in cooperation with the American College of Trial Lawyers, helped plan and organize the second U.S.—Canada Legal Exchange. Seven judges and seven lawyers from each country spent one week together in each country for discussions of a variety of legal topics. The U.S. team was led by Justice Anthony Kennedy. The exchange included moot court presentations by lawyers from both countries before all of the judges sitting en banc.

Foreign visitor briefings

The Center continued its foreign visitors briefing program, hosting 88 delegations with more than 366 judges and legal officials from around the world. While most briefings were short summary descriptions of the U.S. court system and the work of the Center, several were half-day, one-day, or two-day seminars for special groups, including one large delegation from Romania.

Visiting foreign scholars and judicial fellows

The Center was host to one Visiting Foreign Judicial Fellow from Egypt for a one-month fellowship. Three nonjudicial scholars from Romania, the Russian Federation, and Ukraine were in residence at the Center for periods of one to two months. (Fellows receive no Center financial support.)

Federal Judicial Center Foundation

The Federal Judicial Center Foundation is a private, nonprofit corporation established by Congress in 1988 and chartered by the District of Columbia to receive gifts made to support the work of the Center. The foundation is governed by a seven-person board, whose members are appointed by the Chief Justice of the United States, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. No board member may be a judge. The Center provides staff assistance to the foundation, as authorized by statute.

The following persons compose the foundation's board:

Philip W. Tone, Esq., Chicago, Illinois, *chair*

E. William Crotty, Esq., Daytona Beach, Florida

Laurie L. Michel, Esq., Washington, D.C.

Dianne M. Nast, Esq., Philadelphia, Pennsylvania

Robert D. Raven, Esq., Los Angeles, California

Richard M. Rosenbaum, Esq., Rochester, New York

Benjamin L. Zelenko, Esq., Washington, D.C.

The foundation is supporting the Center's science and technology project through a series of grants from the Carnegie Commission. A gift to the foundation from the Supreme Court Historical Society is supporting the Center's oral history interviews with Supreme Court justices. It is also supporting judicial training in financial statements, assisted by a grant from the National Institute of Certified Public Accountants.

Administrative Office of the U.S. Courts

This report describes numerous examples of coordination, cooperation, and consultation between the Center and the Administrative Office on programs, projects, and assistance to the Judicial Conference and its committees. A 1993 agreement, signed by both agency directors, spells out the agencies' respective education and training responsibilities, in order to avoid unnecessary duplication and promote further economies in training, to ensure that the AO will turn to the Center, as the judicial branch's principal training agency, when it needs educational services such as curriculum design or training of trainers, and to ensure that the Center will be available to provide those services.

U.S. Sentencing Commission

The Center and the U.S. Sentencing Commission operate under a jointly developed protocol to promote coordination and avoid duplication in meeting their respective statutory mandates to provide education and research on sentencing to federal court personnel. In addition to developing and conducting sentencing institutes with the Sentencing Commission (and the Bureau of Prisons and the Judicial Conference Committee on Criminal Law), the Center also produced an orientation video on sentencing for new judges with assistance from and participation by Sentencing Commission staff.

Information Services Media and Automation



The Center receives numerous requests for publications, audiovisual programs, and other materials and information from within and outside of the federal judicial branch. Packaging and delivering the products of its education and research activities is a time-consuming task, and increasingly the Center is incorporating new technologies to facilitate production and distribution as well as the day-to-day administration of the Center.

Information services

In 1993, the Center distributed nearly 40,000 publications to judicial branch personnel and others. The Center also responded to more than 3,400 audiovisual loan requests from federal judges and judicial branch personnel.

The Center maintains a specialized collection of books and journals and published and unpublished documents on the work of the federal courts. Drawing from these, it serves as a national clearinghouse for information on federal judicial administration. Last year, the Center answered nearly 1,500 written or telephone requests for information from libraries, government agencies, academic institutions, research organizations, bar groups, and the media.

Outside indexes, databases, and catalogs

Selected Center publications and media productions are cited in the following indexes, databases, and catalogs.

- **Monthly Catalog**—Published by the Government Printing Office and distributed internationally to thousands of government, public, academic, state, and national libraries, the catalog lists U.S. government publications printed each month by GPO.
- **National Criminal Justice Reference Service (NCJRS)**—This document clearinghouse, a branch of the U.S. Department of Justice, produces a database that provides citations to more than 120,000 documents related to criminal justice.
- **Vertical File Index**—Published monthly by H. W. Wilson Company and used by academic and public libraries, the index lists inexpensive or free pamphlets, booklets, and leaflets.
- **Current Law Index**—Published monthly by Information Access Corporation and available nation-wide in academic, public, and law libraries, it indexes more than 700 legal periodicals, including *FJC Directions*. The Current Law Index is also available on-line on LEXIS, WESTLAW, DIALOG, and BRS.
- **WESTLAW**—Full texts of more than fifty FJC publications are available.
- **Media Resource Catalog**—The catalog lists federally produced audiovisual productions for sale or rent by the National Audiovisual Center, a branch of the National Archives.
- **Judicial Education Reference, Information and Technical Transfer Project (JERITT)**—A clearinghouse supported by the State Justice Institute for information on continuing education for judges and court-support personnel, JERITT lists and provides limited distribution of selected Center publications.
- **On-line Computer Library Center (OCLC)**—OCLC provides computer-based research services to thousands of libraries world-wide.

Video productions

In addition to video programs described elsewhere in this report, the Center continued development of its *Introducing the Federal Courts* series, a five-part video orientation program to help new court employees better understand their jobs and the important role they play in the effective administration of justice. The first two parts were distributed to the courts in 1991. Program one is a general introduction to the federal court system's organization, jurisdiction, and administration. (The Center is also developing an interactive version of this program on computer disk.) Program two describes how criminal cases move through the district courts by following a hypothetical criminal case from arrest through sentencing and post-trial motions. A four-part program on the bankruptcy process, which follows a hypothetical department store bankruptcy proceeding through the process, will be released in early 1994, as will a program on the appellate process. Production is scheduled to begin in 1994 on the final program, describing how civil cases proceed through the district courts.

At the request of the Administrative Office, the Center produced three additional video programs in its series for procurement clerks on the federal procurement process. Distribution is scheduled for early 1994.

Publications

The following publications were either in production or released in 1993.

- Long-Range Planning for Circuit Councils*, papers by J. Clifford Wallace, Otto R. Skopil, Jr., William W. Schwarzer, Charles W. Nihan & Russell R. Wheeler
- Deskbook for Chief Judges of the U.S. District Courts (2d ed.)*
- Imposing a Moratorium on the Number of Federal Judges*, by Gordon Bermant, William W. Schwarzer, Edward Sussman & Russell R. Wheeler
- Organizing and Maintaining a Council of State and Federal Judges*
- The Bail Reform Act of 1984 (2d ed.)*
- Court-Appointed Experts: Defining the Role of Experts Appointed Under Federal Rule of Evidence 706*, by Joe S. Cecil & Thomas E. Willging
- Business Bankruptcy*, by Elizabeth Warren (University of Pennsylvania)
- Federal Securities Law*, by Thomas Lee Hazen (University of North Carolina)
- Why Judges Resign: Influences on Federal Judicial Service, 1789-1992*, by Emily Field Van Tassel
- Structural and Other Alternatives for the Federal Courts of Appeals*, by Judith A. McKenna
- On the Federalization of the Administration of Civil and Criminal Justice*, by William W. Schwarzer & Russell R. Wheeler
- Federal Judicial Center 25th Anniversary Reference Volume Awarding Attorneys' Fees and Managing Fee Litigation*, by Alan Hirsch & Diane Sheehy

Office automation

Chambers Handbook for Judges' Law Clerks and Secretaries Creating the Federal Judicial System (2d ed.), by Russell R. Wheeler & Cynthia E. Harrison

Periodicals

Bench Comment—advisories on appellate trends in civil and criminal procedure

Chambers to Chambers—descriptions of case and chambers management techniques that some courts are using

Connections—a newsletter for court personnel that features examples of local court training and management programs of broad interest, updates on Court Education Division system-wide training initiatives, and tips on training methods and techniques

C.Directions—a journal reporting Center research and education activities

Guideline Sentencing Update—summaries of recent decisions interpreting the Sentencing Reform Act and Sentencing Guidelines. A companion publication, *Guideline Sentencing: An Outline of Appellate Case Law*, is a periodic cumulative outline that synthesizes the cases reported in *Guideline Sentencing Update*.

State-Federal Judicial Observer—a quarterly newspaper containing articles and items about judicial federalism of interest to state and federal judges

The Court Historian—a newsletter on judicial history resources and programs in the federal courts

This annual report has described how the Center is incorporating new and developing technologies in its educational activities, including computer-based, interactive, and multimedia programs. The Center is also developing a comprehensive automation plan to meet its internal information processing and computational needs, even if budgets continue to shrink. That plan outlines the development of relational SQL-based databases on open architecture servers. Major relational database systems that have been developed according to this plan are

- the Federal Judicial History Office's judge biographical database—a database of information about federal judges appointed since 1789 including occupations of parents and siblings, education, work experience before joining the federal bench, and political activity;
- the Office of Financial Management's financial database—a database used for the tracking of all Center budget projections, obligations, and fund control notices used in the production of division and management reports;
- the Office of Personnel's personnel and leave tracking database—a database of applicant, employee history, and leave information used to produce salary history, leave, and status reports.

These databases, together with the substantial databases maintained by the Research Division, which are now in the process of being redesigned, will be on a network of UNIX-based servers accessed by Center users using client workstations. The client/server infrastructure allows for resources to be scaled to meet future demands, integrates information sources available on the network with desktop tools, and provides the user with transparent access to multiple networked information resources.

Federal Judicial Center advisory committees

The Center calls on advisory committees for advice and guidance when preparing educational programs and publications and gratefully acknowledges the assistance they have provided. These committees had the following membership during 1993.

Committee on Appellate Educational Programs

Judge James C. Hill (11th Cir.), *Chair*
 Judge Richard D. Cudahy (7th Cir.)
 Judge David A. Nelson (6th Cir.)
 Judge Dorothy W. Nelson (9th Cir.)
 Judge James L. Ryan (6th Cir.)

Committee on Bankruptcy Education

Bankruptcy Judge Lloyd King (D. Haw.), *Chair*
 Bankruptcy Judge David H. Coar (N.D. Ill.)
 Chief Bankruptcy Judge Robert F. Hershner, Jr. (M.D. Ga.)
 Chief Bankruptcy Judge Larry E. Kelly (W.D. Tex.)
 Bankruptcy Judge Robert J. Kressel (D. Minn.)
 Professor Elizabeth Warren (University of Pennsylvania Law School)
 Mr. Francis F. Szczebak (Administrative Office of the U.S. Courts), *ex officio*

Committee on the Bench Book for U.S. District Court Judges

Judge Wm. Terrell Hodges (M.D. Fla.), *Chair*
 Judge William B. Enright (S.D. Cal.)
 Judge John F. Grady (N.D. Ill.)
 Judge A. David Mazzone (D. Mass.)
 Judge Aubrey E. Robinson, Jr. (D.D.C.)

Committee on District Judge Education

Judge Frank J. Polozola (M.D. La.), *Chair*
 Judge Marvin E. Aspen (N.D. Ill.)
 Judge Maryanne Trump Barry (D.N.J.)
 Judge Leonard B. Sand (S.D.N.Y.)
 Judge Stephen V. Wilson (C.D. Cal.)

Committee on Magistrate Judge Education

Magistrate Judge Aaron E. Goodstein (E.D. Wis.), *Chair*
 Magistrate Judge Robert B. Collings (D. Mass.)
 Magistrate Judge Tommy E. Miller (E.D. Va.)
 Magistrate Judge Richard W. Peterson (S.D. Iowa)
 Magistrate Judge Claudia Wilken (N.D. Cal.)
 Mr. Thomas Hnatowski (Administrative Office of the U.S. Courts), *ex officio*

Advisory Committee for FJC History Program

Chief Judge Diana E. Murphy (D. Minn.)
 Judge Pierre N. Leval (S.D.N.Y.)
 Dr. Richard A. Baker (Historian of the Senate)
 Professor Peter Fish (Duke University)
 Mr. Steven Flanders (Circuit Executive, 2d Cir.)
 Professor Kermit L. Hall (University of Tulsa)
 Professor J. Woodford Howard (Johns Hopkins University)
 Professor Laura Kalman (University of California)
 Mr. Michael Kunz (Clerk of Court, E.D. Pa.)
 Mr. R. Michael McReynolds (National Archives)
 Ms. Janet Wishinsky (Librarian, 7th Cir.)

Advisory Committee on Appellate Court Clerk Education

Mr. Leonard Green (Clerk of Court, 6th Cir.), *Chair*
 Ms. Kay Duley Guillot (Librarian, 5th Cir.)
 Mr. Patrick Fisher (Chief Deputy Clerk, 10th Cir.)
 Ms. Kathy M. Lanza (Senior Staff Attorney, 1st Cir.)
 Ms. Terry Nafisi (Deputy Circuit Executive, 9th Cir.)
 Ms. Janice E. Yates (Chief Deputy, 6th Cir.)

Advisory Committee on District Court Clerk Education

Mr. Stuart J. O'Hare (Clerk of Court, S.D. Ill.), *Chair*
 Ms. Geraldine J. Crockett (Clerk of Court, N.D. Ind.)
 Mr. Robert R. Ditrolio (Clerk of Court, W.D. Tenn.)
 Mr. Stephen P. Ehrlich (Chief Deputy Clerk, D. Colo.)
 Ms. Nancy Mayer-Whittington (Clerk of Court, D.D.C.)
 Mr. John T. Shope (District Court Executive, N.D. Ga.)
 Ms. Geri M. Smith (Clerk of Court, N.D. Ohio)
 Mr. Jack L. Wagner (Clerk of Court, E.D. Cal.)

Advisory Committee on Bankruptcy Court Clerk Education

Ms. Ellen A. Johanson (Clerk of the Bankruptcy Court, D.N.D.), *Chair*
 Mr. Donald S. Allelujka (Chief Deputy Clerk, N.D. Ill.)
 Mr. Travis M. Bedsole, Jr. (Bankruptcy Administrator, S.D. Ala.)
 Mr. Patrick G. De Wane (Clerk of the Bankruptcy Court, D. Minn.)
 Ms. Mollie C. Jones (Clerk of the Bankruptcy Court, S.D. Miss.)
 Mr. Barry K. Lander (Clerk of the Bankruptcy Court, S.D. Cal.)
 Mr. Bernard F. McCarthy (Clerk of the Bankruptcy Court, D. Mont.)
 Ms. Frances Rios de Moran (Clerk of the Bankruptcy Court, D.P.R.)
 Mr. George A. Vannah (Clerk of the Bankruptcy Court, D.N.H.)

Training and Education Committee of the Chief Probation and Pretrial Services Officers' Advisory Council

Mr. Robert L. Brent (Chief U.S. Probation Officer, W.D. Mich.), *Chair*
 Ms. Rosalind Andrews (Chief U.S. Probation Officer, E.D. Tenn.)
 Mr. Glenn Baskfield (Chief U.S. Probation Officer, D. Minn.)
 Mr. Louis G. Brewster (Chief U.S. Probation Officer, S.D. Tex.)
 Mr. Jeffrey L. Burkholder (Chief U.S. Pretrial Services Officer, S.D. Ohio)
 Mr. Joseph Giacobbe (Chief U.S. Probation Officer, W.D.N.Y.)
 Mr. James F. Hobden (Chief U.S. Pretrial Services Officer, E.D. La.)
 Mr. David L. Looney (Chief U.S. Probation Officer, D. Or.)
 Mr. Dan W. Stowers (Chief U.S. Probation Officer, M.D. Fla.)

Defender Services Advisory Group Committee on Defender Education

Mr. A. J. Kramer (Federal Public Defender, D.D.C.), *Chair*
 Mr. Paul D. Borman (Community Defender, E.D. Mich.)
 Mr. Mario G. Conte (Community Defender, S.D. Cal.)
 Mr. Michael G. Katz (Federal Public Defender, D. Colo.)
 Mr. Henry A. Martin (Federal Public Defender, M.D. Tenn.)
 Ms. Maureen K. Rowley (Community Defender, E.D. Penn.)

Board of the Federal Judicial Center

The Chief Justice of the United States, *Chair*

Judge Edward R. Becker, U.S. Court of Appeals for the Third Circuit

Judge J. Harvie Wilkinson III, U.S. Court of Appeals for the Fourth Circuit

Judge Martin L. C. Feldman, U.S. District Court for the Eastern District of Louisiana

Chief Judge Diana E. Murphy, U.S. District Court for the District of Minnesota

Chief Judge Michael A. Telesca, U.S. District Court for the Western District of New York

Judge Elizabeth L. Perris, U.S. Bankruptcy Court for the District of Oregon

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

Senior Management of the Federal Judicial Center

Judge William W. Schwarzer, *Director*

Russell R. Wheeler, *Deputy Director*

COURT EDUCATION DIVISION

Steven A. Wolvek, *Director*

Emily Z. Huebner, *Assistant Director*

JUDICIAL EDUCATION DIVISION

Denis J. Hauptly, *Director*

Charles S. Arberg, *Assistant Director*

PLANNING & TECHNOLOGY DIVISION

Gordon Bermant, *Director*

Ted E. Coleman, *Assistant Director*

PUBLICATIONS & MEDIA DIVISION

Sylvan A. Sobel, *Director*

David B. Marshall, Jr., *Assistant Director*

RESEARCH DIVISION

William B. Eldridge, *Director*

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FEDERAL JUDICIAL HISTORY OFFICE

Cynthia E. Harrison, *Chief*

INTERJUDICIAL AFFAIRS OFFICE

James G. Apple, *Chief*

Jeannette R. Sisson, *Personnel Officer*

Norman K. Baker, *Financial Management Officer*

Michael B. Gross, *Administrative Services Officer*

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