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Federal Judicial Center

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a message from the director

NCJRS

MAY 8 1995

ACQUISITIONS

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

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

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

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

Education and training

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

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

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

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

Research and planning

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

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

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

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

Publications and media

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



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

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

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



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

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

Interjudicial affairs

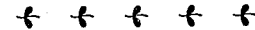
While the Center has always had an interest in and statutory responsibility for cooperative ventures with the state court system, activity in this area has increased substantially. It includes cosponsorship with the State Justice Institute, the National Center for State Courts, and others of the first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

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

Judicial history

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

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



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

A handwritten signature in dark ink, reading "William W. Stewart". The signature is fluid and cursive, with a large, sweeping "S" at the end.

about the Federal Judicial Center

Legislative history, Congressional appropriation, and staffing

The concept of a Federal Judicial Center that would study and develop solutions to the pressing problems of federal judicial administration originated in the Judicial Conference of the United States in response to the increase in the 1960s in the number and complexity of federal caseloads and the increase in crime rates. In 1967, Congress established the Center as a separate organization within the judicial branch. Its statutory authority is codified at 28 U.S.C. §§ 620-629. The Center's staff of more than 160 employees now provides research, planning, and education for some 28,000 judges and personnel of the federal courts. Its fiscal 1994 appropriation was \$18,450,000; its fiscal 1995 appropriation is \$18,828,000, the first increase since fiscal 1992.

Governance and organization

By statute, the Chief Justice of the United States chairs the Center's Board, which also includes six judges elected by the Judicial Conference; the director of the

Administrative Office of the U.S. Courts is also a member. In 1994, the Conference elected Judge Marvin E. Aspen of the U.S. District Court for the Northern District of Illinois to membership on the Center's Board, replacing then-Chief Judge Diana E. Murphy of the U.S. District Court for the District of Minnesota, 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 perform the Center's 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.

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** develops, maintains, and tests technology for Center information processing, education, and communications, and it supports the judiciary's long-range planning activities with research, including analysis of emerging technologies.

The **Publications & Media Division** develops and produces audio and video programs and edits and coordinates the production of all Center reports and studies, educational publications, manuals, and periodicals. Its Information Services Office maintains a specialized collection of materials on judicial administration.

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 **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 in state-federal judicial relations and coordinates programs for foreign judiciaries, including the 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:

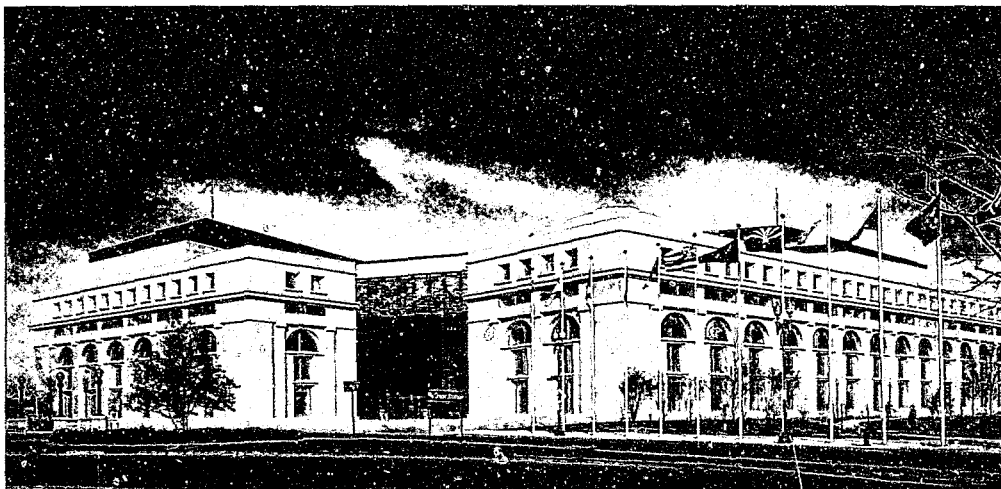
- conducting and promoting orientation and continuing education and training programs for federal judges, court employees, and others;
- conducting and promoting research on federal court organization, operations, and history, including cooperating with the State Justice Institute in programs affecting state and federal courts;
- developing recommendations about the operation and study of the federal courts;
- providing planning and research assistance to the Judicial Conference and its committees;
- 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 1999 describes Center activities in furtherance of its statutory duties.

Profile of 1994 achievements

In 1994, the Center

- provided almost 850 educational programs that reached almost 23,000 federal judges and court staff
- completed 33 research or planning projects and continued work on 84 others
- published 8 reports or papers and published or updated 7 manuals, monographs, or similar reference books
- produced 11 video or multimedia programs
- completed 9 training guides or workbooks
- distributed more than 150,000 publications, including periodicals, and more than 4,000 audio, video, and multimedia programs
- hosted more than 600 visitors from foreign judicial systems representing 115 countries
- responded to nearly 200 informal requests from courts, Judicial Conference committees, and others for research assistance
- answered nearly 2,000 information requests from courts and court staff.



The Center is located in the Thurgood Marshall Federal Judiciary Building, 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 offices for retired justices of the Supreme Court.

Education & Training

Programs for judges and legal staff

The Center sponsored fifty-one programs for circuit, district, magistrate, and bankruptcy judges, appellate staff attorneys, and federal defender office personnel in 1994. These programs reached more than 2,600 participants, as shown in the table on page 9.

Orientation programs

Initial training programs for new judges have long been a staple of the Center's curriculum. They were particularly prominent in 1994 because of the large number of judicial appointments, including more than 100 new district judges. Groups of approximately twelve new district, bankruptcy, or magistrate judges attend an initial one-week orientation program, which uses Center-produced video programs along with discussions led by experienced judges to introduce new judges to important procedural, sentencing, and case-management concepts and practices. Later in their first year on the bench, 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 of Judicial Administration at New York University and supported by the Center. In 1995 the Center will also conduct a one-day orientation for new circuit judges in conjunction with its national seminar for circuit judges.

Annual update seminars

Another trademark of Center education offerings for judges is the opportunity to meet annually at seminars designed to update them on a variety of substantive legal topics. In 1994 the Center held seven such seminars for circuit and district judges, reaching judges in all twelve of the federal regional circuits. Similarly, three seminars each were held for the nation's bankruptcy and magistrate judges.

In addition to the update programs for judges, the Center conducted national seminars for federal defenders and for appellate staff attorneys.

Special programs

Special focus programs for judges concentrate on a particular area of law or on a central theme. Last year programs were presented on criminal procedure, environmental law, international law, Native American law, alternative dispute resolution in bankruptcy, jurisprudence, religion and the law, courtroom use of financial statements, and a thirty-year retrospective on the Civil Rights Act of 1964. More than 540 judges participated in special programs in 1994.

A seminar in December for sixty circuit and district judges culminated the first phase of the Center's three-year research and education project to help federal

judges deal with scientific and technical evidence. That seminar and similar workshops and seminars scheduled for 1995 introduce judges to the Center's 1994 *Reference Manual on Scientific Evidence*. The manual provides guidance on standards for admissibility, management of expert testimony, and special procedures for extraordinary cases, and it breaks down the methodology of specific areas of science such as toxicology, epidemiology, and DNA analysis in which expert evidence commonly presents difficult issues. A Carnegie Corporation grant to the Federal Judicial Center Foundation helped support the project.

Programs for judges and legal staff

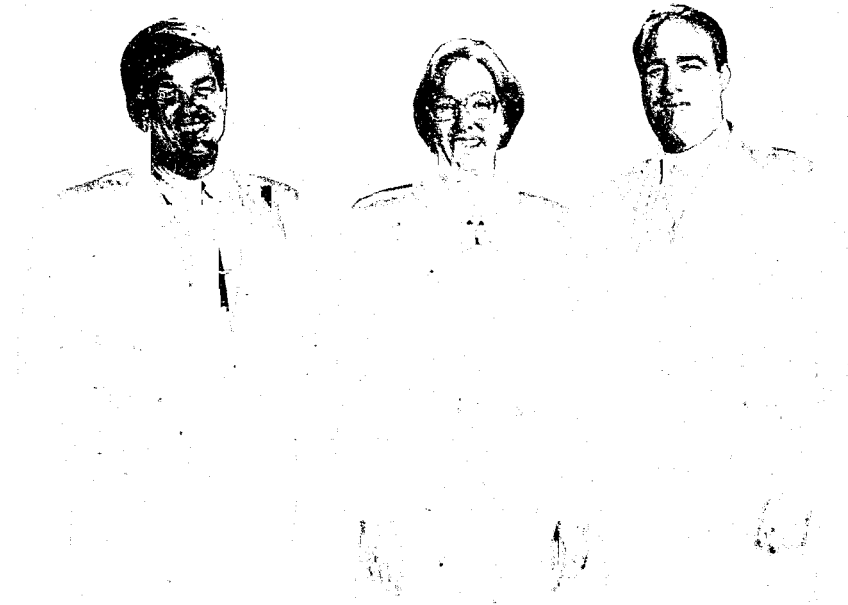
The Center sponsored fifty-one programs for circuit, district, magistrate, and bankruptcy judges, appellate staff attorneys, and federal defender office personnel in 1994. These programs reached more than 2,600 participants, as shown in the summary below:

	number of programs	number of participants
orientations for newly appointed district judges	6	114
orientations for newly appointed bankruptcy judges	2	11
orientations for newly appointed magistrate judges	3	38
workshops for circuit and district judges	7	599
conference for chief district judges	1	74
workshops for bankruptcy judges	3	322
workshops for magistrate judges	3	296
special focus workshops	22	546
seminar for staff attorneys	1	42
seminars for federal defenders and staff	3	598
total	51	2,640

For the third year, the Center cosponsored the Medina Seminar for State and Federal Judges at Princeton University. It also cosponsored two programs for appellate judges at New York University, and it provided support for two judges attending the graduate program for judges at the University of Virginia. In January 1995 the Center will cosponsor with the American Law Institute–American Bar Association a four-hour national videocast on new directions in federal civil practice, procedure, and evidence.

Traveling seminars

For several years the Center has offered one- or two-day programs for presentation in individual districts by Center faculty. During 1994, more than 125 judges in nine districts participated in such traveling seminars on gender bias in the courtroom, sexual harassment, and mediation and settlement skills. The Center expects to offer traveling programs in 1995 on sexual harassment, workplace diversity, law and literature, and mediation and settlement skills.



(left to right) Robb M. Jones, director of the Judicial Education Division, Emily Z. Huebner, acting director of the Court Education Division, and Charles S. Arberg, assistant director of the Judicial Education Division

Programs for court staff

The Center provided almost 800 programs for more than 20,000 clerk's office personnel, probation and pretrial services officers, and other court employees in 1994, as shown in the table on page 12.

Programs for judge-manager teams

Team development programs in 1994 included:

- **Juror Utilization and Management Seminar.**

Each year, the Center brings together teams of chief judges (or jury judges), clerks, and jury administrators from selected district courts to learn from Administrative Office and Center experts and to share their juror utilization experience with colleagues. These programs have resulted in direct costs savings to the federal courts. The Administrative Office has reported that "(t)he overall impact to the judiciary from just those [eight] courts attending the 1993 seminar was a dollar savings of \$103,245 in juror fees, and it factored out to 1,617 jurors not being called into the courthouse unnecessarily." One district found that as a result of attendance at a 1993 juror utilization program, it realized a 15.96 percent decrease in the number of jurors not selected, serving, or challenged in 1994.

- **Alternative Dispute Resolution (ADR) Implementation Workshop.** This program brought together judges, clerks, ADR administrators, and practicing attorneys from twenty-seven districts to learn the practical side of designing, initiating, administering, and evaluating such case-management programs as court-annexed arbitration, mediation, and early neutral evaluation. A Center ADR implementation sourcebook will further help courts establish and manage ADR programs.
- **Western District of New York Probation Services Quest for the Future: Target 2004.** This long-range planning program brought together judges, court staff, FBI and DEA agents, representatives of the Bureau of Prisons and local correctional agencies, and even three former offenders to try to identify the optimal probation service of 2004 and the steps needed to reach that goal. The Center experiments with such programs as prototypes for long-range planning in districts throughout the system.

Management training

The Center conducts management training programs for various court personnel groups. Several new programs were offered in 1994.

- **National Court Management Conference.** This seminar combined three Center programs: (1) a

Programs for court staff

The Center provided almost 800 programs for more than 20,000 clerk's office personnel, probation and pretrial services officers, and other court employees in 1994.

	programs	participants
Seminars and workshops (travel-based)		
clerks of court and clerk's office personnel (circuit, district, bankruptcy)	32	652
probation and pretrial services officers	29	1,273
programs for personnel in several categories (Includes training specialists)	55	1,852
total	116	3,777
In-court programs (nontravel-based)		
<i>programs using FJC curriculum packages and financial support</i>		
clerks of court and clerk's office personnel (circuit, district, bankruptcy)	58	765
probation and pretrial services officers	326	7,704
programs for personnel in several categories	132	2,380
subtotal	516	10,849
<i>locally developed programs using FJC financial support and technical assistance</i>		
Judges	8	181
clerks of court and clerk's office personnel (circuit, district, bankruptcy)	77	2,572
probation and pretrial services officers	78	2,635
programs for personnel in several categories	3	270
subtotal	166	5,658
total	682	16,507

program on management skills for teams of new chief judges and their clerks; (2) the annual chief district judges conference; and (3) a periodic conference for all clerks, district court executives and chief deputy clerks. All segments of the conference stressed the special management demands created by the current budgetary constraints.

- **Management Institute for Mid-Level Court Managers.** This pilot program helped thirty chief deputy clerks of court and deputy chief probation officers (selected from more than eighty applicants) enhance their team leadership and development skills. Participants examine current issues in the courts and assess their own leadership skills and those of their managers.
- **Managing the Human Impact of Downsizing** The Center and the Administrative Office cosponsored this pilot program for courts either experiencing or anticipating personnel downsizing. The workshop was designed to help senior court staff manage the effects of downsizing through planning and communication and increasing support and collaboration among other courts facing downsizing.

court management and demographic iversity

The Center has long recognized that its education programs must help courts manage, and benefit from, their diverse workforces. Special diversity efforts included:

Diversity in the Courts: A Federal Judicial Center Guide for Assessment and Training. The Center designed this training guide to help courts develop diversity training programs for staff, supervisors, and managers. It provides suggestions on managing a diverse work force, enhancing productivity, and fostering employees' understanding of each other. It includes instructions on how to assess the need for diversity training and develop and present a curriculum. The Center pilot-tested the effectiveness of the guide in 1994 and will distribute it to court personnel early in 1995.

Studying the Role of Gender in the Federal Courts: A Research Guide. The Center began production of this guide in 1993, in response to requests for assistance from the gender-bias task forces appointed by circuits with Judicial Conference encouragement. The guide helps circuits and their task forces assess the scope of the inquiry they wish to undertake and frame their inquiries, and it provides basic information on various social science research techniques and warnings about common errors in data interpretation.

Diversity Workshop for Women Judges and Senior Women Court Managers. Participants in this pilot program examined organizational dilemmas unique to women, ways to function more effectively in organizations, and gender-related issues in the judicial system.

Related to the diversity theme, a workshop for probation and pretrial services officers on supervising offenders dealt with treatment issues relevant to Native American offenders, such as the reservation culture, fetal alcohol effect, and victim services.

Packaged programs

The Center continued its shift away from primary reliance on national and regional seminars and toward greater use of training within the individual courts. The packaged programs training format, in which the Center produces facilitator and participant guides and materials—including video and other media programs—and trains court personnel to conduct the programs, has been well received by the courts. For example, before releasing its packaged program **Working with Mentally Disordered Offenders** for probation and pretrial services officers, the Center surveyed courts and found they needed to provide this training to over 2,000 officers in fiscal 1994. To get the most out of its limited training budget, the Center's 1995 support for in-court training will be largely restricted to its packaged programs.

Other new packaged programs offered in 1994 included **Managing the Technical Professional, Supervising Substance Abusers, Structured On-the-Job Training**, and **The Adaptive Manager**. The Center also distributed **A Guide to In-District Training of New Officers** to probation and pretrial services officers to complement the training provided at the Center's national orientation seminar.

Multiphase training programs

Several Center programs for improving court management and efficiency rely largely on independent study and other in-court training methods.

Maximizing Productivity helps court managers institute one of three specific techniques to improve the productivity of court units: team-based management, total quality service, and process improvement. Almost 150 court units have expressed interest in participating, and 115 representatives of 65 units have already attended Center workshops. The Center provides a start-up workshop for each court unit on the specific strategy it has chosen and arranges consultation from court managers who have experience in using the strategy and who have been specially trained by the FJC. The Center's standard resources of training material and media programs provide further assistance.

The Center graduated the first class in its three-year **Leadership Development Program for Probation and Pretrial Services Officers**, which it designed at the request of the Judicial Conference Committee on Criminal Law. The program helps officers prepare to fill vacancies as they occur in the ranks of senior management. In addition to this objective, the program has introduced efficiencies into the participating courts. Two districts have realized a total cost saving of more

than \$400,000 by implementing management or operational improvements that participants developed as part of their course requirements. Based on the success of the program for probation and pretrial services officers, in 1994 the Center pilot-tested a similar program for personnel in clerks' offices and other non-probation and pretrial services units.

Training through interactive technology

The Center introduced two interactive training programs in 1994.

The Federal Rules of Civil Procedure. The Center designed this computer-assisted, CD-ROM instruction program on the rules to help deputy clerks learn more about them and how they apply to their work. The program contains a compilation of the relevant rules and several mechanisms to access them, a collection of quizzes and court-based scenarios that test the user's knowledge and skill in applying the rules, general information about the rule-making process, a glossary of terms, and a bibliography. The program can be used as both a learning tool and a stand-alone reference. It was distributed to senior court administrators in appellate, district, and bankruptcy courts. Because of anticipated public interest in the program,

the Center has made it available for public sale by commercial publishers and to the National Audiovisual Center.

On-Line Seminar for Experienced Court Training Specialists. The Center used an "electronic classroom" technique to allow geographically dispersed court employees with training responsibilities in their courts to participate in a seminar using personal computers equipped with modems.

Research & Planning

The Center continued to provide the courts, and particularly various committees of the Judicial Conference of the United States, with policy analysis and evaluation of current practices and proposed changes in federal court and case management. Below are described some of the Center's more prominent research and planning activities in 1994.

Civil Litigation

Implementation of the Civil Justice Reform Act (CJRA)

The Center has worked since the CJRA's passage in 1990 with the district courts and their advisory groups to assess dockets and devise and evaluate new procedures. In 1994, the Center also prepared a sourcebook on the Civil Justice Reform Act expense and delay reduction plans (in cooperation with the Administrative Office). The sourcebook, which summarizes the primary provisions of the CJRA plans from each of the districts, formed part of the judicial branch's 1994 report to Congress on the implementation of the CJRA. It will be published in 1995.

Analyses of Federal Rules of Civil Procedure

Rule 23—Class Actions. The Civil Rules Advisory Committee is considering changes to Federal Rule of Civil Procedure 23, including expansion of the trial judge's discretion to certify a class and to select the

appropriate form of notice to the class. At the committee's request, the Center is conducting empirical research on class actions in federal courts, including the extent of litigation about class certification and the extent of abuses in the use of Rule 23. The study is targeted for completion by October 1995.

Rule 26(a)—Disclosure and Discovery. The Center has been studying the implementation in both district and bankruptcy courts of the 1993 amendment to Federal Rule of Civil Procedure 26(a), which directs parties to disclose material in advance of discovery. The rule permits courts to opt out of the procedure. The Center report to the Court Administration and Case Management Committee provides a district-by-district picture of the implementation of the disclosure amendments and local variations. An update of the report reflecting recent changes in court disclosure practice is slated for early 1995. Continual monitoring is necessary since many courts consider their present activity to be experimental. The Center plans to undertake

ongoing inquiries into the effect of the amendment on pretrial procedure.

Rule 26(c)—Protective Orders. In response to congressional and judicial interest, this project examines federal district court practices that restrict access to court records in civil cases (for example, protective orders restricting disclosure of discovered information, sealed settlement agreements, and orders that seal cases in their entirety). A preliminary report to the Civil Rules Advisory Committee describes protective order activity in three federal district courts and in the state courts of Texas (which has adopted a judicial rule regulating the use of protective orders when public interests are involved).

Attorneys' fees

A 1994 Center monograph, *Awarding Attorneys' Fees and Managing Fee Litigation*, reviews numerous statutory and other bases for the award of attorneys' fees to prevailing parties (including in bankruptcy litigation) and provides guidance to judges on the management of fee applications in both statutory fee and common fund cases.

Alternatives to Traditional Dispute Resolution

The Center continued its long-standing efforts to assess the operations and impact of various forms of ADR and to help courts that wish to devise ADR programs. Much of its current work is done in cooperation with the Court Administration and Case Management Committee, partly because of that committee's role in implementing the Civil Justice Reform Act. In addition to the ADR workshop and sourcebook described earlier, the Center completed its study of voluntary arbitration programs in eight pilot districts, a follow-on to its 1990 report on mandatory arbitration programs in ten pilot districts, prepared pursuant to a 1988 statutory mandate. *Voluntary Arbitration in Eight Federal District Courts: An Evaluation* shows that participation in voluntary programs is lower than in mandatory districts, but notes that procedural variations in some voluntary courts can raise participation almost as high as in some mandatory courts.

The Center's analysis of the alternative dispute resolution case-management practices of the five CJRA demonstration districts is proceeding on schedule for submission to Congress in December 1995, pursuant to statute. The Center is also identifying alternative dispute resolution methods currently being used in bankruptcy courts, information expected to support upcoming

ing seminars for bankruptcy judges and future empirical studies of bankruptcy ADR.

Complex Litigation

The Center's *Reference Manual on Scientific and Technical Evidence*, described earlier, will help judges manage expert testimony, a staple in much complex litigation, and the forthcoming third edition of the *Manual on Complex Litigation* will provide up-to-date litigation management guidance. Additionally, the Center, the National Center for State Courts, and the State Justice Institute sponsored a 1994 conference for 300 state and federal judges to help state and federal courts plan for the growth in mass tort litigation.

To identify aspects of the National Vaccine Injury Compensation Program that might help courts to manage other mass tort cases, a Center study is analyzing the presentation of expert testimony under the program and the procedures employed by special masters to conduct their own examinations of experts. The study is scheduled for completion in mid-1995. Congress established the program to compensate petitioners for injury or death arising out of the administration of governmentally mandated vaccines.

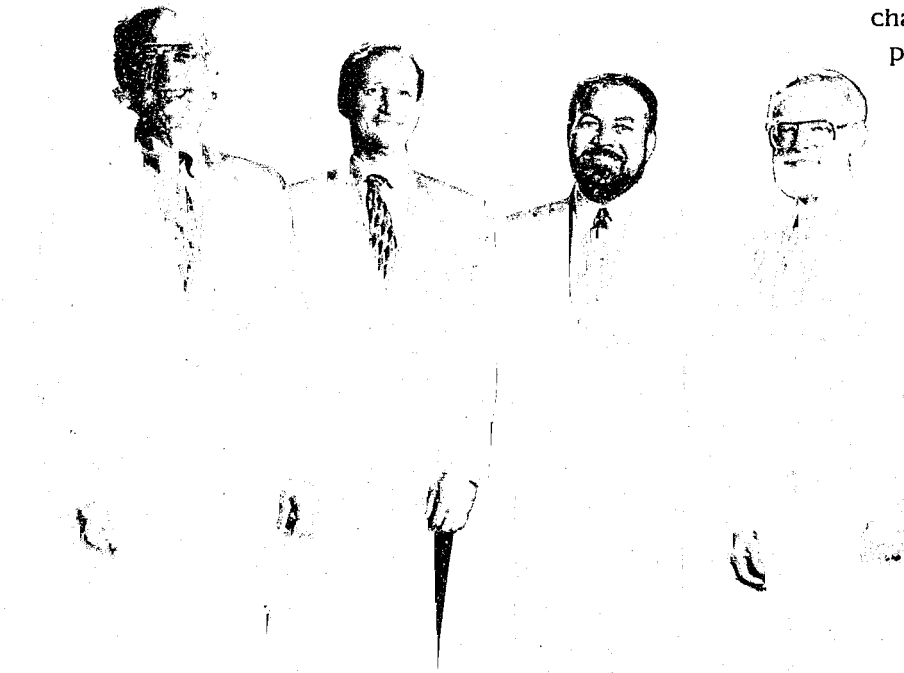
Appellate Courts

The Center worked extensively with a subcommittee of the Judicial Conference's Judicial Resources Committee to respond to the Conference's September 1993

charge to develop "an updated, comprehensive method for evaluating needs for permanent circuit judgeships, including reexamination of caseload formulas and standards." The task is to develop reliable methods that do not require detailed and intrusive record-keeping by busy circuit judges.

Many circuit judges believe that the courts of appeals can achieve further ef

(left to right) Gordon Bermant, Director, and Ted E. Coleman, Assistant Director, of the Planning & Technology Division and James B. Eaglin, Assistant Director, and William B. Eldridge, Director, of the Research Division.



ciencies through procedural changes without diminishing the quality of their work and want to learn about techniques that have helped other circuits. Other judges believe the courts have reached the limits of streamlining. Building on prior studies of appellate operations, the Center is planning to collect and disseminate information about how the various courts conduct their business and, where possible, to evaluate the effectiveness of alternative approaches. An initial effort to that end was the Center's appraisal, for the Court Administration and Case Management Committee, of 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. The study focused on the State of Washington's appellate commissioner program.

A Center project in a distinct appellate area grew out of bankruptcy judges' responses to a 1993 Center survey and an inquiry from a joint task force of the Business and Litigation Sections of the American Bar Association. The Center is examining whether the current appellate process produces sufficient binding precedents in bankruptcy law to provide predictability for intelligent decision making, counseling, and litigation. Like the Center's 1993 study of alternative structures for the courts of appeals, this project will assess the nature and extent of the problems and lay out alternatives that might deal with them.

Bankruptcy

Bankruptcy case-management manual. Center and Administrative Office staff completed work, for the Judicial Conference Committee on the Administration of the Bankruptcy System, on the *Case Management Manual for United States Bankruptcy Judges*, which will be published early in 1995.

In forma pauperis. This three-year, congressionally mandated pilot program examines the impact of waiving filing fees in Chapter 7 cases for debtors who are unable to pay fees in installments. The Center worked closely with the Bankruptcy Administration Committee and Administrative Office staff to design and implement the study and also expects to assist the Administrative Office with a related study of the impact of using a graduated fee system in Chapter 11 and Chapter 13 cases.

Other bankruptcy research. In response to 1994 legislation and interest from the chair of the Bankruptcy Administration Committee, the Center and the Administrative Office are designing a project to develop model jury instructions for adversary proceedings in bankruptcy courts.

The Center is also beginning a study of the potential application of automation to current methods bankruptcy judges use in reviewing fee applications from attorneys and other professionals. The project responds to judicial and public concerns about exces-

sive fees charged against estates in Chapter 11 reorganization and the difficulties judges face in working through voluminous and complex fee applications.

Pro Se Litigation

An interdivisional work group is coordinating and expanding Center efforts to help the courts with the increasing volume of pro se litigation (that is, litigation where parties proceed without counsel). Start-up activities include developing statistical profiles of federal pro se litigation; updating the Center's oft-cited publication on procedures for handling prisoner civil rights cases; and providing federal courts with information on establishing pro bono programs. The group will also try to learn whether the use of kiosk technology can assist court users, pro se and otherwise, and free court personnel for other tasks, by providing information about such things as juror reporting times, job announcements, and in-court activities. The Center is coordinating its pro se projects with Judicial Conference committees, the Administrative Office, the National Center for State Courts, and others.

Requiring petitioners claiming in forma pauperis status to pay partial filing fees is one response to pro se prisoner litigation. At the request of the Judicial Conference's Committee on Federal-State Jurisdiction, the Center collected information from each district to identify those with local rules or standing orders that impose such fees. A 1994 report to the committee

provided preliminary analysis, and the pro se work group will consider further inquiry.

Juries

Rule 49—Special verdicts and general verdicts with interrogatories. A Center report to be delivered to the Civil Rules Advisory Committee in February 1995 analyzes the frequency and types of cases in which judges use special verdicts and general verdicts with interrogatories, why judges use or decline to use them and problems in the logical and linguistic construction of the verdict forms and accompanying jury instructions. The report will also contain suggested guidelines for using these alternative forms.

Survey of voir dire practices in federal courts. The Center surveyed 150 active district court judges about their practices in conducting voir dire, as well as to gauge their opinions about counsel participation in voir dire. Although judges' practices vary, a significant percentage report that they ordinarily allow some direct counsel participation during civil voir dire (without appreciably lengthening the process of selecting a jury).

Criminal Law and Procedure

The Center, at the request of the Judicial Conference Committee on Criminal Law, is developing a statistical risk assessment tool for use by federal probation officers to classify their supervision caseloads. Whe

the study is completed in 1995, the new prediction device will probably begin a pilot test in a sample of districts. Center staff also assisted the Administrative Office with its review of the substance abuse treatment program now provided to federal offenders.

At the request of the Advisory Committee on Criminal Rules, the Center has begun a multiyear study of the Federal Bureau of Prisons' pilot effort to conduct detention and other pretrial hearings via closed circuit television.

Media Access to Civil Trials

The Center completed its evaluation of the experiences of the district and appellate courts that participate in the Judicial Conference's pilot program for electronic coverage of court proceedings. The Center's 1994 report, *Electronic Media Coverage of Federal Civil Proceedings: An Evaluation of the Pilot Program in Six District Courts and Two Courts of Appeals*, was used by the Committee on Court Administration and Case Management in developing its recommendations to the Conference.

Long-Range Planning

The Center's three years of work for the Judicial Conference Committee on Long Range Planning culminated with the Committee's release in 1994 of its draft plan for the federal judicial system. After considering

the results of public comment, the committee will submit a plan to the Conference for its March 1995 meeting. The organization and language of the draft long-range plan reflect substantial Center contributions.

In 1994 the Center published two more in its series of discussion papers to inform and focus the debate on topics pertinent to the courts' long-range planning. The 1994 papers treated the federalization of the administration of civil and criminal justice and court governance. The rest of the series will appear in 1995: papers on alternative dispute resolution, criminal procedure and sentencing issues, and the impact of increased demographic diversity on the courts.

Other Center work in support of the judiciary's long-range planning included a paper on ways to reduce the delay in filling judicial vacancies, produced in collaboration with Administrative Office staff, and a paper on judicial independence, judicial branch independence, and judicial accountability, an outgrowth of the Center's support for the Conference Committee on the Judicial Branch.

Judicial History

Federal Judicial History Programs

Court history programs

The Center provides technical assistance to the history programs in each of the courts, which are largely volunteer efforts. In 1994 it completed a survey of these programs and expects to publish a summary of their projects in its occasional newsletter *The Court Historian*.

Judicial biography project

The Center is developing an automated biographical database of all persons who have served as federal judges since 1789. This database will contain comprehensive information, including education, work experience before joining the federal bench, political activity, and occupations of parents and siblings. Entries will be mailed to judges for verification.

Preserving the paper record

Work continues with the National Archives and the Administrative Office on the various issues concerning the preservation of court records. Also in 1994 the Center produced a video program to provide court employees with an overview of the laws, regulations and policies governing records management in the federal courts.

A handbook for judges interested in preserving their chambers papers will be published in 1995 with the Center's *Directory to Manuscript Collections of Federal Judges*. So far, more than 5,000 collections have been identified containing documents created by federal judges.

Oral histories

The Center's project to record oral history interviews of retired Supreme Court justices continued with a series of videotaped interviews with Justice Blackmun at the Supreme Court and in the Center's media studio. The Center had completed approximately twenty-nine hours of audiotaped interviews with Justice Marshall at the time of his death. Fourteen hours of interviews with Justice Powell and four and one-half hours with Justice Brennan have also been completed. This project is supported in part by a grant to the Federal Judicial Center Foundation from the Supreme Court Historical Society.

The Center has also begun to record and transcribe oral histories of women and minority judges appointed during the 1960s and 1970s. A collection of excerpts from these interviews is projected for publication by the end of 1995.

The Center continues to update its electronic database of oral history interviews conducted by other institutions related to the history of the federal courts (i.e., interviews with judges, other court staff, litigants, attorneys) and expects to publish a second edition of its *Oral History Directory*.

A second edition of the Center's *Oral History Procedures Manual* is in progress. This handbook provides technical assistance to the many court oral history programs.

Federal judicial history monographs and other analyses

The Center published the second edition of its *Creating the Federal Judicial System*, a brief history of the judicial system.

It plans to publish an annotated edition of excerpts from the diary of Henry Sewall, the first clerk of the U.S. District Court, D. Maine, 1789-1818, which offers a unique window to the operations of the federal trial courts in the early nineteenth century.

A volume commemorating the twenty-fifth anniversary of the opening of the Federal Judicial Center will be published in early 1995. It includes recollections and commentary by senior staff of the Center and a comprehensive chronicle of its work.

Interjudicial Affairs

Judicial Federalism

Support for the formation of new state-federal judicial councils and for existing councils continued to be a major priority. The Center

- regularly responded to requests for information about such councils from both state and federal judges;
- maintained a database of essential information about existing state-federal judicial councils that tracks their development and activities and provides information about membership, meeting dates, and other pertinent items;
- published four issues of the *State-Federal Judicial Observer*, a joint publication of the Center and the National Center for State Courts to help state and federal judges know about the others' activities; and
- adapted protocols and other materials for a state-federal judicial council manual that the Center, the National Center for State Courts, and the Administrative Office will publish in 1995. Topics covered by the manual include resolving calendar conflicts, certification of court interpreters, sharing of sources for jury pools, and methods for cooperation in such areas as mass tort litigation and bankruptcy.

The Center also presented, with the State Justice Institute and the National Center for State Courts, the

national conference on mass tort litigation for state and federal judges described earlier in this report, and it provided staff support for the Fourth Circuit Conference on State-Federal Judicial Relationships.

Assistance to Foreign Judiciaries

Foreign visitor programs

The Center arranges education programs about U.S. court procedures and judicial administration for groups of foreign officials who come to Washington with financial support through U.S. government agencies, their own governments, or private sources. A seminar on the American jury system for twenty-eight judges, prosecutors, and legal specialists from the Russian Federation was the fourth such seminar conducted by the Center and the Administrative Office at the request of the U.S. State Department. The seminar provided one week of lectures and presentations in Washington, including a one-day mock trial. The group then divided into three groups for visits to courts in San Francisco, Cincinnati, and New York for "field training" and practical experience observing live jury trials.

The Center also conducted six other seminars for foreign judges and officials during the year, includin

a seminar for members of the Egyptian Constitutional Court in cooperation with George Washington University, a four-day seminar with the Administrative Office for twenty Russian commercial court judges on case management and alternative dispute resolution, and two two-day seminars on case management and court technology for the chief justice and senior members of the Bahamian judiciary as part of a State Department effort to help Bahama's criminal justice system deal with drug trafficking.

In addition, the Center hosted 90 delegations with more than 600 judges and legal officials from 115 countries. Most briefings consisted of short summary descriptions of the U.S. court system and the work of the Center.

Assistance for international programs

The Center assists the newly formed Judicial Conference Committee on International Judicial Relations. It also responds to requests from various government and nongovernment agencies for names of federal judges and court personnel who might be available for various foreign technical assistance programs. A Center database contains the names of almost 400 such persons based on a questionnaire sent to all federal judges and senior court officials.

Visiting foreign judicial fellows and visiting scholar

The Center was host to five visiting foreign judicial fellows and one visiting scholar during the year. The judicial fellows were judges from Pakistan, Russia, New Zealand, Argentina, and Japan; the visiting scholar was a former judge and legislative counsel from Ethiopia. They were in residence at the Center for periods ranging from one to five months for research on topics including alternative dispute resolution, case management and management of settlements of civil cases, protection of human rights, the U.S. criminal justice system, and judicial reasoning. All visiting fellows and scholars are supported by grants from private foundations or government agencies. Center assistance is limited to office space and research guidance.

Federal Judicial Center Foundation

The Federal Judicial Center Foundation, a private, nonprofit corporation, was established by Congress in 1988 to receive gifts to support the work of the Center. The foundation is governed by a seven-person board appointed by the Chief Justice, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. No board member may be a judge.

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.

Grants to the foundation provide important support for Center programs. As reported above, a grant from the Carnegie Corporation is supporting the Center's science and technology project. The Supreme Court Historical Society is supporting the Center's oral history interviews with Supreme Court justices. A grant from the National Institute of Certified Public Accountants is supporting judicial training in financial statements, and the foundation has entered into a memorandum of understanding with the Center Board and the Judicial Conference under which it will receive funds from government and nongovernment agencies to support international programs sponsored by the Conference's Committee on International Judicial Relations. A grant ordered by a district judge from the unclaimed remnants of a class action settlement supports the attendance of federal judges and managers at a March 1995 conference on racial bias in the courts.

Administrative Office of the U.S. Courts

This report cites examples of coordination, cooperation, and consultation between the Center and the Administrative Office on various programs and projects, including assistance to the Judicial Conference and its committees. The agencies operate under agreements that spell out their respective responsibilities in automation and in education and training in order to avoid unnecessary duplication and to promote further economies. Chief Justice Rehnquist has described the Center and the Administrative Office as "two separate but mutually reinforcing support agencies" that provide the courts and the Judicial Conference complementary services and, on occasional major matters of policy, diverse perspectives that benefit the decision-making process."

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.

Media & Information

Video productions

In addition to video programs described elsewhere in this report, in 1994 the Center completed two more programs in its five-part *Introducing the Federal Courts* orientation series, which is designed to help new court employees better understand their jobs and the important role they play in the effective administration of justice.

- *How Cases Move Through the Bankruptcy Courts* follows a hypothetical case through the bankruptcy process, including explanations and dramatizations of major steps in Chapter 7 liquidations, Chapter 11 reorganizations, and Chapter 13 individual bankruptcy proceedings. It received a Gold Screen award in the educational video category of the National Association of Government Communicators media awards competition.
- *The Appellate Process* uses a hypothetical wrongful death case to explain how appeals are processed through the federal courts.

These programs join two others that were distributed to the courts in 1991. Program one is a general introduction to the federal court system's organization, jurisdiction, and administration. (An interactive version of this program on computer disk is described below.) Program two describes how criminal cases move through the district courts by following a hypo-

thetical drug case from arrest through sentencing and post-trial motions. The final program in the series, on the civil litigation process, is being completed for distribution in mid-1995.

To help new district judges make the transition to the bench and to introduce them to the services available from the Center and the Administrative Office, the Center produced *Your First Year on the Bench*. Three recently appointed district judges describe experiences new judges are likely to face, and representatives of the agencies explain the orientation, education, and support services that they provide. The Center includes this program in the package of publications and other materials that it sends to new district judges shortly after their nomination.

The Center also produced a video panel discussion with the current and former chairs of the Judicial Conference Advisory Committee on Civil Rules and the Center's director on the issues courts faced in implementing the 1993 amendments to the Federal Rules of Civil Procedure, and it distributed the program with accompanying written materials to the courts shortly after the new rules went into effect.

At the request of the Administrative Office, the Center completed three additional video programs in a series for procurement clerks on the federal procurement process.

multimedia programs

The Center produced its first two multimedia products in 1994: a computer-assisted instruction program for deputy clerks on the Federal Rules of Civil Procedure, described earlier in this report, and an interactive multimedia program based on its orientation video for new clerk's office employees, *An Introduction to the Federal Courts*. Both programs are on compact disks and combine text, graphics, audio, and video display. The federal rules program has been widely distributed throughout the courts and made available to commercial publishers who have shown interest in it; the *Introduction* program is being evaluated in some courts that have the requisite playback equipment.

Publications

Center publications include manuals for judges on aspects of litigation management, monographs and outlines on areas of substantive law, reports of the Center's empirical research, discussion papers on topics relevant to the federal courts' long-range planning, handbooks or other reference guides on federal court administration and history, and catalogs or reports about the Center and its activities. Two publications, *The Federal Courts and What They Do* and *Welcome to the Federal Courts* were prepared by the Center for the Administrative Office to print and distribute to federal courts to provide to courthouse visitors,



(left to right)
Sylvan A. Sobel, Director,
Publications & Media Division,
Cynthia E. Harrison, Chief,
Federal Judicial History Office,
David Marshall, Assistant
Director, Publications & Media
Division, and James G. Apple,
Chief, Interjudicial Affairs Office.

schools, and civic groups. The following publications were either in production or released in 1994.

Manual for Complex Litigation (3d ed.)

Reference Manual on Scientific Evidence

Case Management Manual for United States Bankruptcy Judges (produced in cooperation with the Administrative Office)

Awarding Attorneys' Fees and Managing Fee Litigation, by Alan Hirsch & Diane Sheehey

Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues, by Jefri Wood & Diane Sheehey

Voluntary Arbitration in Eight Federal District Courts: An Evaluation, by David Rauma & Carol Krafka

Electronic Media Coverage of Federal Civil Proceedings: An Evaluation of the Pilot Program in Six District Courts and Two Courts of Appeals, by Molly Treadway Johnson & Carol Krafka

The Consequences of Mandatory Minimum Prison Terms: A Summary of Recent Findings, by Barbara S. Vincent & Paul J. Hofer

Studying the Role of Gender in the Federal Courts: A Research Guide, by Molly Treadway Johnson

Planning for the Future: Results of a 1992 Federal Judicial Center Survey of United States Judges

Federal Court Governance: Why Congress Should—and Why Congress Should Not—Create a Full-Time Executive Judge, Abolish the Judicial Conference, and Remove Circuit Judges from District Court

Governance, by Russell R. Wheeler & Gordon Bermant

On the Federalization of the Administration of Civil and Criminal Justice, by William W. Schwarzer & Russell R. Wheeler

Creating the Federal Judicial System (2d ed.), by Russell R. Wheeler & Cynthia E. Harrison

Chambers Handbook for Judges' Law Clerks and Secretaries

Federal Judicial Center 25th Anniversary Reference Volume

The Federal Courts and What They Do and Welcome to the Federal Courts

1994 Annual Report

1994-1995 Services for Judges Available from the Federal Judicial Center

1994 Programs and Services for Federal Court Personnel Available from the Court Education Division

1995 Catalog of Publications

1995 Audiovisual Media Catalog

Periodicals

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

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

Connections—a newsletter for court personnel throughout the country

showcases Center and court training initiatives, with tips on training methods and techniques

FJC Directions—an occasional journal reporting Center research and education activities. An issue on the Center's 1993 national conference on alternative dispute resolution featured articles on the issues that courts might face in implementing ADR programs and firsthand accounts of judges and administrators who have implemented such programs in their courts.

Guideline Sentencing Update—summaries of recent decisions interpreting sentencing laws and the Sentencing Guidelines. A companion publication, *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues*, 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—an occasional newsletter on judicial history resources and programs in the federal courts

Information Services

In 1994, the Center distributed nearly 40,000 publications and some 115,000 periodicals to judicial branch personnel and others. It loaned almost 3,400

copies of media programs to federal judges and judicial branch personnel on request and sent more than 700 copies of its media programs directly to the courts for them to keep and use in local education and training programs.

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 2,000 written or telephone requests for information from judges, libraries, government agencies, academic institutions, research organizations, bar groups, and the media.

Outside indexes, databases, catalogs, and commercial publishers

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

- **Current Law Index**—Published monthly by Information Access Corporation and available nationwide in academic, public, and law libraries, it indexes more than 700 legal periodicals, including *FJC Directions*. *Current Law Index* is also available on-line on LEXIS, WESTLAW, DIALOG, and BRS.

- **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.
- **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.
- **Monthly Catalog**—Published by the Government Printing Office (GPO) 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.
- **On-line Computer Library Center (OCLC)**—OCLC provides computer-based research services to thousands of libraries worldwide.
- **U.S. Government Periodicals Index**—Published by Congressional Information Service, it indexes

more than 180 federal government periodicals including *FJC Directions*. It is also available online through Research Library Group's CITADEL service.

- **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.
- **WESTLAW**—Full texts of more than fifty Center publications are available.

Several Center publications are also reprinted by commercial publishers for sale to the public, including the *Manual for Complex Litigation*, *Reference Manual on Scientific Evidence*, *Manual for Litigation Management and Cost and Delay Reduction*, and *Chambers Handbook for Judges' Law Clerks and Secretaries*.

Office automation

This annual report has described how the Center is incorporating new and developing technologies in its education, research, and planning activities. The Center has also developed a comprehensive automation plan to meet its internal information processing and computational needs. Three major information management systems have been constructed to meet various internal needs.

- The Federal Judicial History Office's judge biographical database, described earlier, will contain information about federal judges appointed since 1789.
- The Office of Financial Management's financial database is used for tracking all Center budget projections, obligations, and fund control notices used in the production of management reports.

- The Office of Personnel's personnel and leave tracking system contains information on applicants, employee history, and leave that is used to produce salary, history, leave, and status reports.

These databases, together with substantial research databases that are being redesigned, will be on a network of shared servers available to Center users operating from their personal workstations. This client-server arrangement enhances the cost-effectiveness of the Center's automation system.

FJC Advisory Committees

The Center calls on advisory committees for advice and guidance when preparing education programs and publications and gratefully acknowledges the assistance they have provided. These committees had the following membership during 1994.

Committee on Appellate Judge Education 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 Judge Education

Chief Bankruptcy Judge Robert F. Hershner, Jr. (M.D. Ga.), *Chair*
Bankruptcy Judge Joyce Bihary (N.D. Ga.)
Bankruptcy Judge Thomas E. Carlson (N.D. Cal.)
Bankruptcy Judge David H. Coar (N.D. Ill.)
Bankruptcy Judge Robert J. Kressel (D. Minn.)
Professor Elizabeth Warren (University of Pennsylvania Law School)
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 A. David Mazzone (D. Mass.)
Judge Aubrey E. Robinson, Jr. (D.D.C.)
Judge Louis Stanton (S.D.N.Y.)

Committee on District Judge Education

Judge Stephen V. Wilson (C.D. Cal.), *Chair*
Judge William T. Hart (N.D. Ill.)
Judge D. Brock Hornby (D. Me.)
Judge Leonard B. Sand (S.D.N.Y.)
Judge Anna Diggs Taylor (E.D. Mich.)

Committee on Magistrate Judge Education

Magistrate Judge Aaron E. Goodstein (E.D. Wis.), *Chair*
Magistrate Judge Celeste F. Bremer (S.D. Iowa)
Magistrate Judge Robert B. Collings (D. Mass.)
Magistrate Judge Tommy E. Miller (E.D. Va.)
Magistrate Judge Joel B. Rosen (D.N.J.)
Thomas Hnatowski (Administrative Office of the U.S. Courts), *ex officio*

Advisory Committee on Appellate Court Education

Patrick Fisher (Clerk of Court, 10th Cir.), *Chair*
Colly C. Dwyer (Staff Attorney/Chief Deputy Clerk, 9th Cir.)
Susan B. English (Circuit Librarian, 3rd Cir.)
Robert L. Hoecker (Circuit Executive, 10th Cir.)
Ana C. McWay (Chief Deputy Clerk, 8th Cir.)
Marilyn R. Sargent (Chief Deputy Clerk, D.C. Cir.)

Advisory Committee on District Court Education

Gerardine J. Crockett (Clerk of Court, N.D. Ind.), *Chair*
Robert R. Ditrollo (Clerk of Court, W.D. Tenn.)
Nancy Doherty (Clerk of Court, N.D. Tex.)
Stephen P. Ehrlich (Chief Deputy Clerk, D. Colo.)
Nancy Mayer-Whittington (Clerk of Court, D.D.C.)
Robert A. Mossing (Clerk of Court, N.D. Fla.)
Robert D. St. Vrain (Clerk of Court, E.D. Mo.)
Jack L. Wagner (Clerk of Court, E.D. Cal.)

Advisory Committee on Bankruptcy Court Education

Bernard F. McCarthy (Clerk of the Bankruptcy Court, D. Mont.), *Chair*
Davis M. Bedsole, Jr. (Bankruptcy Administrator, S.D. Ala.)

Beth A. Ferguson (Clerk of the Bankruptcy Court, N.D. Ohio)
John M. Greacen (Clerk of the Bankruptcy Court, D.N.M.)
Ellen A. Johanson (Clerk of the Bankruptcy Court, D.N.D.)
Tawana C. Marshall (Clerk of the Bankruptcy Court, N.D. Tex.)
Pam C. Schuster (Chief Deputy Clerk, C.D. Ill.)
George A. Vannah (Clerk of the Bankruptcy Court, D.N.H.)
Michael D. Webb (Clerk of the Bankruptcy Court, S.D. Ohio)

Advisory Committee for FJC History Program

Judge Diana E. Murphy (8th Cir.)
Richard A. Baker (Historian of the Senate)
Professor Stephen L. Carter (Yale Law School)
Professor Peter Fish (Duke University)
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)
Michael Kunz (Clerk of Court, E.D. Pa.)
R. Michael McReynolds (National Archives)
Janet Wishinsky (Librarian, 7th Cir.)

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

James W. Duckett, Jr. (Chief U.S. Probation Office
D.S.C.), *Chair*

Rosalind Andrews (Chief U.S. Probation Officer, E.
Tenn.)

Glenn Baskfield (Chief U.S. Probation Officer, D. Minn.)

Louis G. Brewster (Chief U.S. Probation Officer, S.
Tex.)

Jeff Burkholder (Chief U.S. Pretrial Services Office
S.D. Ohio)

Joseph A. Giacobbe (Chief U.S. Probation Officer, W.
N.Y.)

James Hobden (Chief U.S. Pretrial Services Officer, E.
La.)

David Looney (Chief U.S. Probation Officer, D. Or.)

Jerry T. Williford (Chief U.S. Probation Officer, N.
Ga.)

Defender Services Advisory Group Committee on Defender Education

A.J. Kramer (Federal Public Defender, D.D.C.), *Chair*

Paul D. Borman (Community Defender, E.D. Mich.)

Mario G. Conte (Community Defender, S.D. Cal.)

Michael G. Katz (Federal Public Defender, D. Colo.)

Henry A. Martin (Federal Public Defender, M.D. Tenn.)

Maureen K. Rowley (Community Defender, E.D. Pa.)

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

Judge Marvin E. Aspen, U.S. District Court for the Northern District of Illinois

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

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

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