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# State-Federal Judicial Observer

NEWS AND COMMENTARY OF INTEREST TO THE STATE AND FEDERAL JUDICIARY

A joint publication of the Federal Judicial Center and the National Center for State Courts • Number 1 • January 1993

## Orlando Meeting Fosters Interest in Judicial Federalism; New State-Federal Councils, Conferences Are Planned

New and heightened interest in state-federal relations has been the major result of the first National Conference on State-Federal Judicial Relationships held in Orlando, Florida, in April 1992. Since the conference, two states have taken action to form state-federal judicial councils, at least one dormant council has been revived, two regional state-federal conferences are in the planning stages, and existing state-federal councils have addressed or plan to address topics that were highlighted at the conference.

In Orlando, state and federal judges from Tennessee started the organizational process for creating a state-federal judicial council. Ohio state and federal judges met in early December to form a new council. Missouri judges have revived a dormant state-federal council. At least eight existing state-federal judicial councils included on the agendas of their meetings reports about the conference and the issues and topics that were presented at it.

Two regional state-federal conferences are now in the planning stage, one in the geographical region embraced by the U.S. Ninth Circuit. Judges and court administrators in the region of the Fourth Circuit are also developing plans and seeking funding for a similar conference.

U.S. Chief Justice William H. Rehnquist established the central theme of the Orlando conference by emphasizing in his

Justice Rehnquist's comments were echoed by California Chief Justice Malcolm Lucas, keynote speaker for the opening session, and other state and federal judges on the program.

"Our mission is to develop new insights on how to coordinate litigation in the state and federal courts, allocate judicial business between the two systems, and institutionalize better state-federal planning," said Chief Justice Lucas.

Issues such as coordination of litigation in state and federal courts, administrative cooperation between state and federal courts, long-range planning for state and federal courts, and the effects of federal diversity jurisdiction on state courts were aired in major position papers delivered by Judge William W. Schwarzer, director of the Federal Judicial Center, Dr. Victor E. Flango of the National Center for State Courts, Edward B. McConnell, president emeritus of the National Center for State Courts, and Neal Miller, principal associate of the Institute for Law and Justice.

Specific suggestions for the improvement of state-federal judicial relations and the resolution of joint or common problems included:

- having state-federal judicial councils develop a protocol for coordination;
- inviting state and federal judges to attend one another's conferences and judi-

The conference was attended by over 325 state and federal judges, court administrators, legal scholars, and attorneys from all parts of the nation, including 35 state chief justices and the chief judges of 10 of the 13 U.S. circuit courts of appeals.

The meeting concluded with a call for more state-federal cooperation from Prof. Daniel J. Meador of the University of Virginia Law School. He noted the lack of scholarly interest in judicial administration and judicial planning. "We need expertise, experience, perspectives drawn from elsewhere," he said. He suggested that "academic lawyers get involved in the subject-matter of this conference."

Copies of papers delivered at the conference and transcripts of the proceedings can be obtained from the National Center for State Courts and the Interjudicial Affairs Office of the Federal Judicial Center. □

### Focus on: Education

Judges from across the country attended the third annual Media Seminar at Princeton University, held June 11-16. See the story on page 2.



Judge John W. Kern III, Senior Judge, Court of Appeals for the District of Columbia and founder of the Medina Seminar on the Humanities and Science for State and Federal Judges

## Tennessee Forms New State-Federal Judicial Council; Ohio Takes Action

Stimulated by the discussions and presentations at the National Conference on State-Federal Judicial Relationships in Orlando, Florida in April, state and federal judges in Tennessee have taken the first steps toward forming a state-federal judicial council in that state.

Chief Justice Reid and Judge Jordan were selected at the Nashville meeting to serve as a committee to make specific recommendations for the organization of a council. The committee will make its recommendations at a second meeting to be held in 1993.

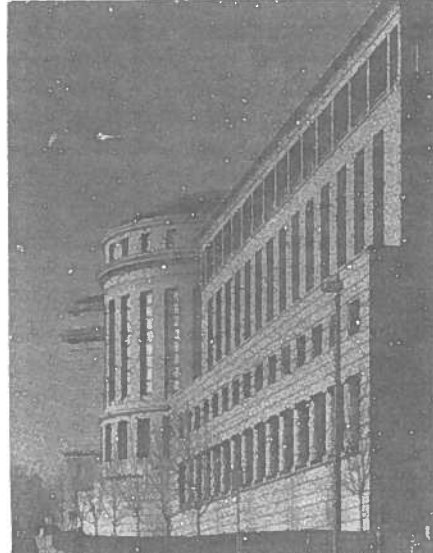
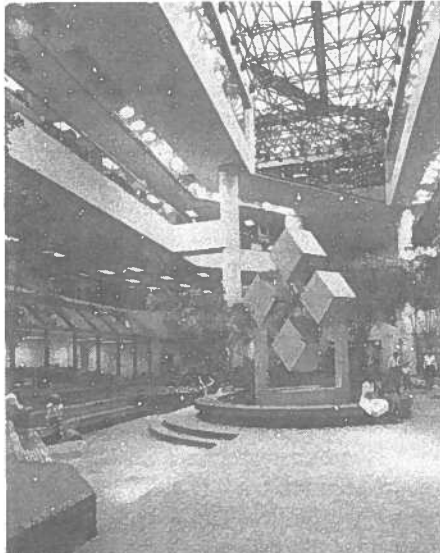
videotaped opening remarks the necessity for more and better cooperation between state and federal judges. He noted that "circumstances have changed and the nation can no longer afford the luxury of state and federal court systems that work at cross purposes or that irrationally duplicate each other's efforts."

"There are many informal and formal methods by which we can advance our mutual interests. The informal efforts can range from communicating mutual concerns to reaching cooperative solutions outside the ambit of formal legislation and procedures," he said.

cial education programs;

- appointing state-federal special masters to handle cases and matters common to both systems;
- developing joint state-federal judicial dialogues with the press;
- developing joint state-federal judicial programs for educating the public and legislators about needs and problems in the administration of justice;
- creating "early warning systems" in state courts to signal federal courts of potential habeas cases;
- creating a state-federal disaster court to handle mass tort litigation.

## National Center Publishes New Book on Court Facilities and Design



Left, interior of the federal courthouse in Anchorage, Alaska. Right, exterior of the Minnesota Judicial Center. Both projects are described in *Retrospective of Courthouse Design: 1980-1991*.

A new publication of the National Center for State Courts offers assistance to state and federal judges and court administrators in planning and constructing court facilities. *Retrospective of Courthouse Design: 1980-1991* complements NCSC's 1991 *The Courthouse: Planning and Design Guide for Court Facilities*.

The 53 projects included generally meet the design recommendations contained in the earlier work. Projects analyzed include

both federal and state court buildings and facilities. Projects were selected for mention by a panel of architects and court administrators. The NCSC received assistance in preparing the book from the American Institute of Architects' Committee on Architecture for Justice.

Copies are \$9.95 from the Publications Coordinator, National Center for State Courts, 300 Newport Ave., Williamsburg, VA 23187-8798, tel. 804-253-2000, ext. 390. □

Fourteen state and federal judges in Ohio also met in early December in Columbus to form the Ohio State-Federal Judicial Council. Two court administrators, one from each system, were included in the meeting.

At the initial meeting of the Tennessee judges in Nashville in June to discuss the possibilities of a formal judicial council, Judge Leon Jordan (U.S. E.D. Tenn.) stressed the importance of a council for "communication, cooperation, and coordination between the two systems in the delivery of justice."

"The [Orlando] conference served as a catalyst and crucible for Tennessee state and federal judges to get together and plan a state-federal council in our state," said Judge Jordan, one of the participants in the national conference.

Justice Lyle Reid (Tenn. Sup. Ct.), also a participant in the Orlando conference, called the organizational meeting following a meeting with the four other Tennessee state and federal judges who attended the Florida meeting. The proposal for the formation of a state-federal council received a positive response from the judges present.

## FJC Issues "Starter Kit" To Assist In Organizing State-Federal Councils

The Federal Judicial Center is publishing a "starter kit" booklet with information on organizing and maintaining state-federal judicial councils. The booklet, *Organizing and Using a Council of State and Federal Judges*, is available free to state and federal judges and court administrators from the Center's Interjudicial Affairs Office.

Judge William W Schwarzer, director of the FJC, introduces the kit with a brief history of judicial councils and their accomplishments. Another section discusses specific uses of councils and lists agenda topics derived from reports and minutes of meetings of such councils in different states. A third part presents "how to" suggestions for forming and maintaining state-federal councils. The booklet also includes a bibliography, sample organizing documents and sample provisions for them, and forms for

Two substantive topics were also discussed at the meeting in Nashville: certification of questions of law by the federal courts to the Tennessee Supreme Court, and the handling of mass tort litigation in both state and federal courts.

Since the first meeting, Chief Judge Gilbert S. Merritt (U.S. 6th Cir.) has appointed five representatives from the federal courts as members of the council. Justice Reid has also selected the five representatives from the state judiciary. The following judges have been appointed:

From the state judiciary: Justice Reid, Judge D. Kelly Thomas; Judge Barbara N. Haynes, Judge D'Army Bailey, Judge Joseph M. Tipton.

From the federal judiciary: Judge Merritt, Judge Jordan, Judge James D. Todd (W.D. Tenn.), Judge Robert L. Echols (M.D. Tenn.), and Chief Bankruptcy Judge George C. Paine II (M.D. Tenn.).

Executive Secretary Charles E. Ferrell (Tenn. Sup. Ct.) and Circuit Executive James A. Higgins (U.S. 6th Cir.) will also be members of the council to provide administrative support. □

use in calling organizational and regular council meetings. A form for reporting the activities of state-federal councils to the Federal Judicial Center is also included.

Judges and court administrators who want a copy of the kit should write to James G. Apple, Chief, Interjudicial Affairs Office, Federal Judicial Center, One Columbus Circle, N.E., Washington, DC 20002, or call 202-273-4161. □

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## From the Chief Justices

WILLIAM H. REHNQUIST  
*Chief Justice of the  
United States*

Our Nation's first Chief Justice, John Jay, said in 1790 that "To provide against discord between National and State jurisdiction, to render them auxiliary instead of hostile to each other, and so to connect both as to leave each sufficiently independent and yet sufficiently combined was and will be arduous. Institutions formed under such circumstances should therefore be received with candour and tried with temper and prudence." Two hundred years' experience has proved the truth of Chief Justice's Jay's observation.

Today, as demonstrated by the articles in this first edition of the *State-Federal Judicial Observer*, state and federal judges have taken John Jay's advice to heart. A spirit of cooperation is abroad, as participants in both state and federal judicial systems find new ways to collaborate. These efforts are critical, for our system of judicial federalism requires a large measure of collaboration in order to maximize its benefits.

Informal cooperation is important, and can accomplish much, but alone it is not enough. We still need legislative changes that create a more rational allocation of judicial business between the state and federal systems. And, as the problem of adequate funding for justice systems looms larger and larger, the systems can gain from collaborative efforts that will result

ROBERT F. STEPHENS  
*Chief Justice, Kentucky Supreme Court  
Chair, Conference of Chief Justices*

On behalf of the state judicial systems, I offer wholehearted support for this joint venture of the National Center for State Courts and the Federal Judicial Center. Through this effort we will share a common objective of promoting high standards of justice while preserving the diversity of institutions in our society. The examples of state-federal coordination and cooperation reported in this issue are in the best tradition of American federalism.

This joint publication is one more in a recent series of successful efforts to develop a close working relationship between state and federal courts. Among these efforts are the appointment of state judges to committees of the U.S. Judicial Conference, and the creation of the National Judicial Council on State and Federal Courts.

The National Conference on State-Federal Judicial Relationships held in April 1992 was a watershed event in this process. The sense of collegiality among the participants reflected the recognition that state and federal courts are engaged in a common enterprise, one that requires mutual respect and active cooperation and coordination to be effective. The enthusiasm and commitment generated by such a dynamic event is always difficult to sustain.

A joint publication of the National Center for State Courts and the Federal Judicial Center is a major step in con-

## State and Federal Judges Attend Third Medina Humanities Seminar at Princeton; Fourth Seminar Is Planned

Author Joyce Carol Oates, architect Allen Greenberg, Russian literature specialist Caryl Emerson, author Peter Huber, and basketball coach Pete Carril were featured members of the faculty for the third Harold R. Medina Seminar for state and federal judges at Princeton University June 11-16.

The seminar, *The Humanities, Science, and the Art of Judging*, was co-sponsored by the Judiciary Leadership Development Council, the Federal Judicial Center, the Princeton University Center of Domestic and Comparative Policy Studies, and the ABA Section on Natural Resources, Energy and Environmental Law. Twenty-five federal judges, fourteen state judges, and three administrative law judges from all parts of the United States participated.

The seminar opened with a lecture on "The Constitution: Perspectives for the Century's Last Decade" by Princeton political science professor Walter Murphy. It also featured lectures on such diverse issues as "Is 'Death With Dignity' Compatible With the 'Sanctity of Life?'," "Natural Rights and the Art of Judging," "Religion and the Art of Judging: Contributions of Religious Thought to Judicial Actions," and three special lectures on judging music, art, and film.

One morning of the seminar was devoted to environmental issues. Presentations were made by representatives of government, industry, the public sector, and academia. Judge William W. Schwarzer of the Federal Judicial Center presented a luncheon lecture on "Perfect Justice."

A full day was reserved for discussions and presentations about science, which featured lectures by Princeton physics profes-

sented a perspective on the human condition in the totality of the universe.

Response to the seminar was positive. The participating judges commented favorably on the stimulation of "the study of law by the use of the various disciplines," "the very wide variety of subjects and personalities who presented them," the "interchange with faculty and other participants," and "discussing issues with other judges and having an opportunity to consider issues" that a judge only considers occasionally. One judge concluded: "it was all marvelous."

The Medina Seminar originated in 1990 through the efforts of Judge John W. Kern III, senior judge of the District of Columbia Court of Appeals and president of the Judiciary Leadership Development Council, a private, non-profit organization devoted to judicial education.

Judge Kern commented, "I was pleased with the results of this year's seminar and we will continue it. Planning has already begun for the fourth seminar at Princeton in 1993." The dates for the 1993 seminar are June 10-15.

The upcoming seminar will focus on issues of cultural diversity as well as science and the humanities. Featured lecturers and faculty members include Princeton University President Harold T. Shapiro; Eric Breindel, editor, *New York Post*; Professor Eric Lander of the Massachusetts Institute of Technology; and Professor James Kurth of Swarthmore College.

The science day will feature lectures and discussions about the frontiers of astrophysics, environmental science, and molecular biology. The agenda also includes a

in making public funds go farther in the quest for justice.

I welcome this joint publication of the Federal Judicial Center and the National Center for State Courts as an important vehicle for spreading the news, sharing ideas, and inspiring new efforts.

tinuing that spirit as it ensures there will be continuing communications between the two systems. The articles in this first issue give testimony to how much we have to offer each other. The benefits to be gained from sharing our experiences through this publication are immeasurable.

## State-Federal Judicial Observer

a joint publication of the  
Federal Judicial Center and the National Center for State Courts



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## A note to our readers

The State-Federal Judicial Observer welcomes comments on articles appearing in it and ideas for topics for future issues. Edited versions of letters may be printed by the Observer with the permission of the author.

The Observer will consider for publication short articles and manuscripts on subjects of interest to state and federal judges. Decisions concerning publication of a submitted article will be made by the editorial staff.

Letters, comments, and articles should be submitted to Interjudicial Affairs Office, Federal Judicial Center, One Columbus Circle, N.E., Washington, DC 20002, or to National Center for State Courts, Washington Office, 1110 N. Glebe Rd., Suite 1090, Arlington, VA 22201.

sor David Wilkinson and scientific sociologist Sheila Jasanoff, and a visit to the Princeton Plasma Physics Laboratory conducted by Assistant Laboratory Director Rush Holt.

The purpose of the seminar is to provide an educational experience for judges on subjects not presented at traditional judicial education seminars, and intellectual refreshment for the participants.

A highlight of the seminar was the provocative after-dinner presentation by former Princeton faculty dean and physics professor Aaron Lemonick on "Humankind and the Universe," in which he

tour of the Princeton University Art Museum with a lecture, and an organ recital in the university's gothic chapel.

Further information about the seminar can be obtained from Judge John W. Kem III, Judiciary Leadership Development Council, 2510 Virginia Ave., Watergate East 314-N, Washington, DC 20037, or from Denis Hauptly, Director, Judicial Education Division, Federal Judicial Center, One Columbus Circle, N.E., Washington, DC 20002.

Scholarships for state judges to attend the seminar may be available from the State Justice Institute in Alexandria, Virginia. □

## Western Region Schedules State-Federal Conference for June 1993

Following up on the success of the April 1992 Orlando conference on state-federal judicial relations, state and federal judges and court administrators in the geographical area of the U.S. Ninth Circuit have planned a two-day western region conference on state-federal relations.

The conference will be held at a site near Portland, Ore., in June 1993. Five state judges and five federal judges from each of the nine states in the region will participate. The chief justice of each state will select the state judges; the chief judge of the U.S. Ninth Circuit Court of Appeals will select the federal judges. Court administrators and academicians from the region will also attend.

The focus of the conference will be on coordination of state-federal litigation, allocation of judicial business, and long-range planning and analysis. The specific purposes of the conference will be to:

- examine the interrelationships between the state and federal systems;
- identify practical techniques for coordinating specific types of litigation;
- develop effective methods to enhance communication, joint planning, and administrative cooperation
- consider methods to enhance rela-

tionships between the branches of government and with the public.

The conference will include plenary sessions on major state-federal issues such as death penalty habeas corpus cases, certification of state law questions, bankruptcy stays, federalization of state crimes, allocation of judicial business, adequate resources for state judiciaries, attorney discipline, and jury source lists and selection. Small group discussions, perhaps selected to serve as state caucuses, will explore areas of state-federal cooperation and preparation of state "action plans."

A nine-member committee headed by Judges Melvin Brunetti (U.S. 9th Cir.) and Alicemarie Stotler (U.S. C.D. Cal.) is responsible for planning for the conference. Staff support is provided by Assistant Circuit Executive Mark Mendenhall (U.S. 9th Cir.) and Court Administrator Donald J. Mello (Nevada Administrative Office of the Courts). The conference is being funded through a grant from the State Justice Institute.

For more information about the conference, write or call Mr. Mark Mendenhall, Office of Circuit Executive, 121 Spear St., Suite 204, P.O. Box 193846, San Francisco, CA 94119-3846; tel. 415-744-6150. □

# Philadelphia Courts Couple Solutions to Court Congestion, Historic Preservation

## Complex Litigation Center Is Created in Restored Wanamaker Department Store Building Near City Hall

by James G. Apple

A court complex is not exactly the kind of "department" one expects in a department store. But Philadelphia's new center for complex litigation is located on the 12th floor of the venerable Wanamaker's Department Store, adjacent to Philadelphia's City Hall. And it serves as a base for coordination of special kinds of cases with the federal courts of that city.

The state courts in the city had a big and growing problem, one that exists in other metropolitan courts around the country: Asbestos cases were drastically overloading the already crowded civil dockets. So Pennsylvania and Philadelphia judges came up with an innovative solution by creating a center specifically to handle asbestos and other complex litigation. The litigation center began operating in February 1992, and

she wanted a team effort. At her first meeting in January 1991, she received input from over 50 representatives of groups that would be connected with such a center—lawyers, secretaries, law clerks, and criers (bailiffs).

The first decision made was to broaden the concept from an asbestos case center to a complex litigation center that would oversee different types of mass tort and similar "big" cases. Judge Moss and her team then put together a written plan, based in part on a "wish list" presented by the representatives of the affected groups. "Most of the items on the lists were very practical," Judge Moss observed. "The criers wanted a supply closet. The lawyers wanted swivel chairs, and microphones for parties, witnesses and lawyers. The secretaries wanted personal computers. The requests were not extravagant."



The 12th floor of the Wanamaker Building during restoration. At a rent of \$16.50 per square foot, the complex litigation center pays less than it would for comparable space in the City Hall area. Judges have found the building's high ceilings ideal for the center's courtrooms.

it has become a model facility for the handling of mass tort and other complex cases in metropolitan areas. From the center, the resolution of complex litigation that has a federal component is coordinated with nearby federal courts.

### The Story of the Litigation Center

The story of the Wanamaker court center actually began in December 1990 when

The plan was presented to Justice Cappy on Feb. 5, 1991, and he gave the go-ahead the next day. A Pittsburgh architectural firm worked with a special subcommittee of the bar on the design.

Justice Cappy and other officials inspected 20 different buildings in the Philadelphia area, many city-owned. But renovation costs were "extraordinary," and there were no renovation funds available. Even-

selection room, designed so that two jury selections can be conducted simultaneously, and an attractively appointed public reception room with a fax machine in the waiting

"The tandem approach and frequent consultation prevents lawyers from playing off one judge against another," she said. "We even settle each other's cases from time to

*In 1902, John Wanamaker hired eminent American architect Daniel Burnham to design a "merchant cathedral." The building was completed in 1911, and President William Howard Taft spoke at its dedication.*

*In 1987, Brickstone Realty converted the building to mixed use at a cost of \$150 million. The restoration won a 1992 historic preservation award from the National Trust for Historic Preservation.*



area for use by lawyers and the public.

### Reduced Cost and Delay

Justice Cappy's plan had to provide for costs of a new center in the already overstretched budget for the Philadelphia courts. The solution was staff reduction, from 3,000 employees to 2,200. Actual support staff for the courts was cut in half. Judges share secretaries and law clerks on a 2 to 1 ratio. Part of the resulting savings was then applied to operational costs of the complex litigation center.

The center has proved cost efficient—more cases are being disposed of at lowered costs. As an example, under the former system, in 1991 a total of 1,385 asbestos cases were disposed of in 12 months. With

time. The lawyers will often put federal cases in state case settlement packages, and vice versa."

### Appraisals of the Center

Judges and lawyers praise the center. "The whole concept of the center has been a success," Judge Moss proudly observes. "We got the lawyers to buy into the system. They won't let it fail." Justice Cappy notes that the Center emphasizes the concept of managing groups of cases. "It has prepared Philadelphia for an onslaught of any kind of case," he says. "Wanamaker allows us to anticipate different kinds of problems rather than react to them.

"It allows us to tackle a problem at its inception, catch it up front, like the breast



The litigation center has a spacious public waiting room for liti-

Justice Ralph Cappy (Pa. Sup. Ct.) started to tackle the asbestos case problem. The high volume of such cases required a departure from the regular methods of case resolution.

"The asbestos cases were being placed in the regular civil trial list in Philadelphia," noted Justice Cappy. Only three judges were being assigned to handle them, along with their regular civil docket. The judges were disposing of 25-30 cases a month, but more were being filed in the same period.



*One of the fourteen courtrooms in the litigation center. There are five large, three medium, and six small courtrooms to handle different kinds of cases. Judges at the center are not assigned to a particular courtroom.*

The courts were falling further and further behind.

But the asbestos cases were actually only part of a bigger organizational problem. Justice Cappy wanted to emphasize efficiency in the handling of certain types of cases and compartmentalize them to get them on a "fast track" for possible disposition within 60 to 90 days. He also wanted to set aside a special place for the handling of such cases and to sanction special techniques to resolve them.

Justice Cappy called Judge Sandra Mazer Moss, then the asbestos calendar judge in the civil trial division of the Philadelphia courts, and outlined his proposal to solve the asbestos problem: combine all of the asbestos cases in one central location and draft senior judges of the Philadelphia courts to dispose of them.

Judge Moss went to work. From the start

tually a 10-year lease was negotiated for space in the Wanamaker Building, then undergoing restoration as part of the city's historic preservation program, at \$16.50 per square foot, a lower rate than for other suitable facilities.

On Feb. 10, 1992, Judge Moss and her team moved into the new center.

#### Organization and Facilities

"The center is organized like a large law firm. Functions are compartmentalized,"

says Judge Moss. Different parts of the floor are reserved for courtrooms, judges offices, library and research areas, conference rooms, a public waiting room, and secretarial stations. Space was designed around the concept of shared facilities.

Judge Moss also installed a "team approach" for the disposition of cases. No judge has a reserved courtroom. Judges, courtrooms, and cases are assigned on a daily basis as the need for trials arises.

Eight senior judges from the civil trial division make up the trial "team" for the dispensation of cases classified as complex either because of the number of parties, the number of cases, or the legal issues involved. These judges share four secretaries and four law clerks. With fourteen center courtrooms, case handling can be flexible.

The center has 16 chambers for the judges based there. It also includes a spacious jury



*gans, jurors, and witnesses, which is equipped with a public fax machine*

a reduced staff under the new system at the center, 1,128 asbestos cases were disposed of in only six months.

Delays and costs for litigants have also been reduced because of the emphasis on early trial assignments and settlement programs. The conducting of expensive videotape depositions and preparation of expensive trial exhibits are eliminated in all but the few cases that actually go to trial.

#### State-Federal Cooperation

Judge Moss also engages in a cooperative effort with the federal courts in the disposition of asbestos cases. She regularly consults

implant cases. It allows a short cut to get the cases ready and get them tried."

Geoff Gallas, executive administrator of the Philadelphia courts, says that the center has been a "great success both programmatically and in providing a good working environment for senior judges at a modest cost." The center also provides much better working facilities for staff. The feedback Gallas has received indicates that center personnel are more productive than before, when the courts had twice the staff.

"Of all the facilities we lease (over 600,000 square feet) it has been the most successful in terms of design and space," he



*The Wanamaker Center provides handsome chambers for the senior judges assigned to handle complex cases and for other judges attached to it. Judges at the center often coordinate cases with the nearby federal courts.*

with U.S. Senior District Judge Charles R. Wiener, who presides over the multidistrict asbestos program in the federal courts and who sits in the federal courthouse only a few blocks away. "I work in tandem with Judge Wiener," says Judge Moss. "I regularly talk to him on the telephone, we occasionally meet for lunch, and we have similar procedures for handling the asbestos docket. And we don't make any major changes in the way we are handling the cases without consulting each other."

commented. "It has exceeded our expectations."

Bruce H. Bikin, a Philadelphia lawyer who regularly practices in the courts of the new center and who was a member of the special bar committee that assisted in its planning and design, says that it has worked "remarkably well."

"It hasn't been unfair to either plaintiffs or defendants," he observed. "The success

# National Roundup of Activities of State–Federal Judicial Councils

## *Review of Council Meetings Reveals Diversity of Agenda Topics*

**Alabama.** Chief Justice Sonny Hornsby (Ala. Sup. Ct.) and Chief Judge Gerald B. Tjoflat (U.S. 11th Cir.) welcomed members of the Alabama State–Federal Judicial Council at the annual meeting on July 14 in Gulf Shores. Key topics for presentation and discussion were bankruptcy stays, by Bankruptcy Judge Arthur B. Briskman (U.S. S.D. Ala.); the need for trial and appellate court management information systems, by Judge John C. Godbold (U.S. 11th Cir.); and a panel discussion on adequate funding of state and federal judicial systems, by Chief Judge Sam C. Pointer, Jr. (U.S. N.D. Ala.), Judge Joseph D. Phelps (Ala. 15th Jud. Cir.), and Chief Justice Hornsby.

**Alaska.** The Alaska State–Federal Judicial Council was reactivated in January and new council members were appointed at the meeting. Representing the state court system are Justice Daniel A. Moore, Jr. (Alaska Sup. Ct.), Judge Brian Shortell, presiding judge of the Alaska court system, and Arthur H. Snowden II, administrative director of the state system. Federal representation includes Chief Judge H. Russel Holland (U.S. D. Alaska), Judge James K. Singleton (U.S. D. Alaska), and Bankruptcy Judge Herb A. Ross (U.S. D. Alaska). Membership also includes two Anchorage attorneys. A follow-up meeting is planned for early 1993.

**California.** Chief Judge J. Clifford Wallace (U.S. 9th Cir.) presided over the regular meeting of the council in San Francisco, held Oct. 29 in conjunction with the council-sponsored California Capital Case Symposium. Agenda items covered new juror orientation programs, new federal appellate death penalty/habeas corpus rules, recruitment of counsel in death penalty cases, new juror orientation, law library cooperation and sharing of facilities and

was possible use by Connecticut federal courts of the state court jury pool selection process. The main November agenda topic was preparing a grievance procedure for inmates of state prisons that would require exhaustion of remedies before inmates could bring any habeas corpus or other proceedings in the state and federal courts.

**Florida.** Florida Supreme Court Justice Leander Shaw presided over the annual meeting of the Florida State–Federal Judicial Council on June 25 in Orlando. Eleven other judges attended the meeting. Opening remarks were made by Chief Judge Gerald B. Tjoflat (U.S. 11th Cir.) on the work of the Federal Judicial Center, the importance of long-range planning for the courts, and the issue of the size of the federal judiciary. A report was presented on the new Florida Office of Capital Collateral Representative, which deals with death penalty appeals. Other topics of discussion covered federal mediation and the Florida Bar Committee for Adequate Funding of the Judiciary.

**Georgia.** Alternative dispute resolution was the main topic for discussion at the annual meeting of the Georgia State–Federal Judicial Council in Savannah on June 17. Council co-chairs Chief Justice Harold G. Clarke (Ga. Sup. Ct.) and Chief Judge Gerald B. Tjoflat (U.S. 11th Cir.) opened the meeting. Presentations on ADR were made by Judges William C. O’Kelley (U.S. N.D. Ga.), Wilbur D. Owens (U.S. M.D. Ga.), and Anthony A. Alaimo (U.S. S.D. Ga.). Jack H. Watson of the Georgia Commission on ADR presented recommendations of that group. Discussion and a question and answer period followed.

**Hawaii.** Eleven members of the State–Federal Judicial Council of Hawaii met in Honolulu on May 14 for the council’s an-

nual meeting. Judicial Administrator Hugh M. Collins (La. Sup. Ct.) made presentations. The Louisiana council has 15 members.

**Maine.** Chief Justice Daniel E. Wathen (Me. Sup. Ct.) and Chief Judge Stephen Breyer (U.S. 1st Cir.) presided over the annual meeting of the Maine State–Federal Judicial Council in March. State and federal prosecutors discussed the problem of overlapping jurisdiction in drug prosecutions and the role that sentencing practices play in selecting a jurisdiction for prosecution of drug cases.

**Missouri.** Chief Justice Edward D. “Chip” Robertson, Jr. (Mo. Sup. Ct.) summarized the proceedings of the April National Conference on State–Federal Judicial Relationships in Orlando to open the spring meeting of the State–Federal Judicial Council of Missouri, held at the University of Missouri–Columbia School of Law in April. Other items on the agenda were automatic stays of execution in state death penalty cases involving federal habeas corpus proceedings, opportunities for cooperation in forfeiture of property proceedings in drug-related cases, and grievance procedures in state prisons to reduce prisoner lawsuits in both state and federal courts.

The fall meeting of the council on Oct. 30 at the same location covered seven agenda items, including unification of CLE requirements, concurrent jurisdiction and pleading requirements in RICO actions, attorney conflicts in scheduling trials, bankruptcy stays and their effects on state cases, sharing of courtroom facilities, and appointments by state and federal judges in pro bono matters.

**Montana.** Bankruptcy Judge John L. Peterson (U.S. D. Mont.) was elected chair of the Montana State–Federal Judicial Council for 1992–1993 at its regular meeting on

the Nevada State–Federal Judicial Council meeting in Reno with nine judges, two court administrators, and three guests in attendance. The meeting covered three specific areas of state federal relations: current issues in the state judiciary, current issues in the federal judiciary, and topics from the special invitees. Under the first agenda item, the topics of discussion were the status of a county law library, the locus of incarceration of state/federal prisoners, and bankruptcy conflicts. Long-range planning was a major item of interest in the second category, which also included the subjects of cameras in the courtroom and space and facilities for the federal courts in the Ninth Circuit.

Inmate grievance procedures, use of prison facilities for hearings, and the new death penalty resource center were subjects presented by special invitees to the council meeting. The final business of the meeting was the passage of a motion to invite a lawyer representative to serve as an active member of the council.

**New York.** The New York State–Federal Judicial Council held a regular meeting on Jan. 27, with eight members in attendance. Topics of discussion included certification of state law questions by the federal courts to the New York Court of Appeals and the availability, certification, and compensation of interpreters for both state and federal courts,

**Virginia.** A principal item on the agenda of the spring meeting of the State–Federal Judicial Council of Virginia in Richmond in April was the need for a joint effort of state and federal judges to encourage standardization and joint management of a court interpreters certification program. Such a program would include joint development of a list of certified court interpreters, prepa-

contents, budget cuts and the judiciary, and joint certification of court reporters. Reports were also received on the National Judicial Council of State and Federal Courts, the Orlando Conference on State-Federal Judicial Relationships, and the status of the Western Regional Conference on State-Federal Judicial Relationships scheduled for June 1993.

**Connecticut.** The Connecticut State-Federal Judicial Council met on Sept. 15 in Cromwell and on Nov. 19 in New Haven. Members of the council are Justice Robert J. Callahan (Conn. Sup. Ct.), Connecticut Chief Court Administrator Aaron Ment, Judge J. Daniel Mahoney (U.S. 2d Cir.), and Judge Ellen B. Burns (U.S. 2d Cir.). The main September item of discussion

was a biennial meeting, with an agenda of 13 items for discussion. Key agenda subjects were the development of a joint list of pro bono counsel for specific types of cases, status of communications between state and federal judges for the resolution of calendar conflicts, dual prosecution of criminal cases, and certification of court interpreters. Chief Judge Alan C. Kay (U.S. D. Haw.) presided.

**Louisiana.** Perspectives of the National Conference on State-Federal Relationships in Orlando in April was the central topic on the agenda of the Louisiana State-Federal Judicial Council of Louisiana at its meeting in New Orleans on May 15. Chief Justice Pascal F. Calogero, Jr. (La. Sup. Ct.), Chief Judge Henry A. Politz (U.S. 5th Cir.), and

June 19 at the Copper King Inn in Butte. Judge James R. Browning (U.S. 9th Cir.) gave the members an overview of his court's activities, including recent actions relating to long-range planning, gender bias, and case workloads of the judges. Assistant Circuit Executive Mark Mendenhall (U.S. 9th Cir.) made a presentation on administration operations of the court. Other subjects discussed at the meeting included the handling of capital cases, the process of certification of legal issues by the federal courts to the state supreme court, the court interpreter's program, and the April national conference in Orlando on state-federal judicial relationships.

**Nevada.** Judge Melvin Brunetti (U.S. 9th Cir.) presided over the April meeting of

the National Conference on State-Federal Relationships in Orlando on May 15. Chief Justice Pascal F. Calogero, Jr. (La. Sup. Ct.), Chief Judge Henry A. Politz (U.S. 5th Cir.), and June 19 at the Copper King Inn in Butte. Judge James R. Browning (U.S. 9th Cir.) gave the members an overview of his court's activities, including recent actions relating to long-range planning, gender bias, and case workloads of the judges. Assistant Circuit Executive Mark Mendenhall (U.S. 9th Cir.) made a presentation on administration operations of the court. Other subjects discussed at the meeting included the handling of capital cases, the process of certification of legal issues by the federal courts to the state supreme court, the court interpreter's program, and the April national conference in Orlando on state-federal judicial relationships.

**Washington.** The Washington State-Federal Judicial Council met Sept. 9 in Seattle. The council has 30 members. Justice Barbara Durham (Wash. Sup. Ct.) presided. Three major items on the agenda were sharing of facilities, sharing of court interpreters, and conducting joint education programs. □

#### WANAMAKER CENTER, from page 3

of the center has been due in large part to Judge Moss's administrative style. Discovery practice, motion practice, pretrial conference practice and assignment of trial dates have all been streamlined.

"There is less time required of lawyers

in doing the things required in litigation," he said. "Therefore trial preparation is less expensive."

The center does, however, have a downside. "Doing things in a mass manner does sometimes result in rough justice, as opposed to more refined and thoughtful justice," Biken observed. But when asked if,

given a choice, he preferred the new center and its procedures over the previous situation, he responded, "absolutely."

Bikin's sentiments are echoed by Howell K. Rosenberg, another local trial lawyer who regularly appears in the courts of the center. "It is operating very well," said Rosenberg. "It is a big improvement over

the way cases were handled before. It has had a significant impact on the backlog of asbestos cases."

"It would be desirable to have each asbestos case tried by an individual jury. But that is impossible," he said. "And the new facilities are beautiful. It is nice to have everyone in one place." □

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