

FEDERAL JUDICIAL CENTER

Annual Report 2015

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A MESSAGE FROM THE DIRECTOR

For nearly fifty years, the Federal Judicial Center has provided independent research, professional education, and other important services to the judicial branch. From the beginning, the Center has enjoyed an outstanding reputation upheld by the service of a talented and dedicated staff. We have received strong and thoughtful support from the leadership of the judiciary and overall have been treated well by Congress, even in difficult economic times.

But even successful institutions must respond to changes in the environment in which they carry out their mission. In the Center's case, these changes include a fundamental shift in the way people acquire information, from printed publications and scholarly lectures to digital media and online learning. We have been challenged to identify the values and practices that we want to preserve and to develop new ways of doing the things that would benefit from innovation.

Two initiatives intended to meet that challenge—the development of a modern, interactive website and the articulation of a comprehensive educational curriculum—saw major progress in 2015. Our revised intranet website, FJC Online, was launched early in the year and has received enthusiastic response. Special thanks are due to our Information Technology and Editorial & Information Services Offices, whose expertise and collaborative spirit were essential in producing this excellent result. Our rebuilt public website, www.fjc.gov, is in the final stages of development and will make its debut in 2016.

The process of building a comprehensive curriculum is not as easy as it might seem. The first step in that process—systematically identifying the knowledge, skills, and attributes that people in each of our constituent groups need to do their jobs well—has involved dozens of conversations and exchanges both within and outside the Center. As a result of many hours of hard work by the staff of our Education Division, and with assistance from our Research Division, this phase is nearing completion. The next step is determining which competencies need to be taught to the people in each group at what point in their careers and determining how best to teach them—what learning objectives to identify, whether to present content in-person or online, what teaching methods and materials to use, and so on.

Of course, while all of this has been going on, we've still offered a full slate of educational programs, including a redesigned workshop for chief district judges that

reflects a greater focus on the competencies of leadership, several new programs intended to inform both judges and probation and pretrial officers about evidence-based practices in criminal justice, new leadership programs for court managers and supervisors, and the second in a series of collaborative programs with the National Constitution Center, this one focusing on the Reconstruction Amendments and their relevance to contemporary social issues.

Our Research Division continues to support committees of the Judicial Conference with empirical studies on the administration of the federal courts. Several of the division's more than sixty major projects also reflect the challenges of technological innovation. Reports completed this year include analyses of cameras in the courtroom, protection of private information in electronic court filings, and use of social media by jurors and attorneys. Other projects include an update of the case-weighting system used to measure the workload of district judges and qualitative studies of alternative dispute resolution and inmate reentry programs.

Because the Research Division often is asked to study controversial issues and practices, it is particularly important that its work product meet the highest professional standards and be as objective as possible. I'm proud to say that the division consistently meets that expectation, and I'm deeply appreciative of the professionalism of our team.

As it has in previous years, our International Judicial Relations Office has hosted numerous foreign delegations and has provided technical assistance to judges and judicial administrators around the world. Important new projects in 2015 included a needs assessment in support of Namibia's effort to establish an independent administrative office of the courts and the initiation of what we hope will be an ongoing engagement with judicial and legislative leaders in Uzbekistan to promote transparency and professional training for judges. In addition to continuing its excellent work maintaining the official biographies of federal judges and developing training materials for high school teachers, our History Office will be using our new Web capabilities to make judicial history and information about the judiciary more accessible to the public generally.

Finally, 2015 marked the arrival of several new staff members and two outstanding additions to our leadership team. Julie Linkins, formerly director of judicial edu-

cation for Maryland, joined us as deputy director of our Education Division and has provided valuable guidance for our curriculum project. Clara Altman, who came to us from the Law, Jurisprudence, and Social Thought faculty at Amherst College, has brought vision, energy, and technological sophistication to our History Office. In January 2016, we will welcome Dana Chipman, formerly Judge Advocate General of the Army, as the new director of the Education Division.

Nothing that I have described would have been possible without the support of our Board and the commit-

ment and daily effort of the people who work here. The FJC is a remarkable organization, and hardly a week goes by that I don't feel grateful for the opportunity to be a part of it.



JEREMY D. FOGEL

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ABOUT THE FEDERAL JUDICIAL CENTER

Statutory Mission

Congress created the Federal Judicial Center in 1967 “to further the development and adoption of improved judicial administration in the courts of the United States.” The Center provides education and training for judges and employees of the federal courts and conducts empirical and exploratory research into various aspects of judicial administration, including case management and potential changes to the federal rules of procedure. This annual report, mandated by statute, describes the Center’s activities in calendar year 2015.

Governance

The Chief Justice of the United States chairs the Center’s Board, which by statute also includes two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge who are elected to four-year terms by the Judicial Conference of the United States, and the director of the Administrative Office of the U.S. Courts, who serves *ex officio*. The Board oversees the Center’s activities, and its members serve on standing committees on education and research and on advisory committees on judicial education programs (listed on pages 15–16).

In March 2015, the Judicial Conference elected Judge Curtis L. Collier, of the U.S. District Court for the Eastern District of Tennessee, and Judge Kimberly J. Mueller, of the U.S. District Court for the Eastern District of California, to the Center’s Board, replacing Judge Kathryn H. Vratil, of the U.S. District Court for the District of Kansas, and Judge James F. Holderman, Jr., of the U.S. District Court for the Northern District of Illinois, whose terms expired. James C. Duff became a member of the Center’s Board by virtue of his appointment in 2015 as director of the Administrative Office of the U.S. Courts.

The Board appoints the Center’s director and deputy director; the director appoints the Center’s staff. All but one of the Center’s ten directors have been federal judges, including its current director, Judge Jeremy D. Fogel, of the U.S. District Court for the Northern District of California.

Organization

The organization of the Center reflects its primary statutory mandates. The Education Division plans and produces education and training for judges and court staff, including in-person programs, video programs, pub-

Board of the Federal Judicial Center

The Chief Justice of the United States, *Chair*

Judge Catherine C. Blake, U.S. District Court for the District of Maryland

Judge Curtis L. Collier, U.S. District Court for the Eastern District of Tennessee

Magistrate Judge Jonathan W. Feldman, U.S. District Court for the Western District of New York

Judge Kent A. Jordan, U.S. Court of Appeals for the Third Circuit

Judge Michael J. Melloy, U.S. Court of Appeals for the Eighth Circuit

Judge Kimberly J. Mueller, U.S. District Court for the Eastern District of California

Chief Judge C. Ray Mullins, U.S. Bankruptcy Court for the Northern District of Georgia

James C. Duff, Director of the Administrative Office of the U.S. Courts

lications, curriculum packages for in-district training, and Web-based programs and resources. The Research Division examines and evaluates current and alternative federal court practices and policies. This research assists Judicial Conference committees, who request most Center research, in developing policy recommendations. The Center’s research also contributes substantially to its educational programs. The Federal Judicial History Office helps courts and others study and preserve federal judicial history. The International Judicial Relations Office provides information to judicial and legal officials from foreign countries and informs federal judicial personnel of developments in international law and other court systems that may affect their work. Two units of the Director’s Office—the Information Technology Office and the Editorial & Information Services Office—support Center missions through technology, editorial and design assistance, and organization and dissemination of Center resources.

Coordination Within the Judicial Branch

Numerous programs and projects described in this annual report involve coordination, cooperation, and consultation with committees of the Judicial Conference, the Administrative Office, the U.S. Sentencing Commission, the U.S. Judicial Panel on Multidistrict Litigation, and the courts. Advisory committees of judges, court staff, and others help in planning and producing education programs and publications. These committees are listed on pages 15–16.

Staffing and Appropriation

The Center had a fiscal 2015 appropriation of \$26,959,000, and it employed 123 people at the end of calendar year 2015. The Center's 2016 appropriation is \$27,719,000. Approximately 75% of Center expenditures support its education and training activities, with the remainder devoted almost entirely to its research activities.

Senior Staff of the Federal Judicial Center

Hon. Jeremy D. Fogel, Director

John S. Cooke, Deputy Director

Clara Altman, Director, Federal Judicial History Office

John S. Cooke, Acting Director, Education Division

Esther DeVries, Director, Information Technology Office

James B. Eaglin, Director, Research Division

Mira Gur-Arie, Director, International Judicial Relations Office

Sylvan A. Sobel, Director, Editorial & Information Services Office

2015 at a Glance

In 2015, the Center

- completed 22 major research and evaluation projects and continued work on 56 others;
- provided 297 in-person and technology-based educational programs for some 27,164 federal judges, legal staff, and court employees and helped to design, conduct, and teach another 18 programs, produced by other organizations, for 1,692 court staff participants;
- produced 19 new educational video programs, either for online delivery or use in other education and training programs;
- published or updated 19 reports, manuals, monographs, or reference guides;
- distributed 16,748 printed copies of its publications, as well as 2,272 audio, video, and multimedia programs;
- conducted the tenth annual teacher institute on historic cases in the federal courts; and
- hosted 571 visiting foreign judges, court officials, and attorneys from 54 different countries.

EDUCATION AND TRAINING

The Center develops and delivers educational programs and resources for the judges and court staff of the federal judicial system. The Center identifies learning needs, determines priorities, and produces educational products in consultation with its Board and education advisory committees. The Center also works with subject-matter experts within and outside the judiciary.

Center education serves federal court judges, executives, attorneys, managers, and staff, and comes in a variety of formats: in-person programs; video, audio, and e-learning programs; online resource collections (web-pages); online forums for information sharing; and publications and other materials available in hard copy and electronically. Many in-person programs, videos, and webcasts are recorded for later viewing.

Most Center educational resources are available to all federal judiciary employees on the Center's judiciary intranet site, FJC Online. FJC Online was revamped in 2015 to expand its content and to enhance its navigation and search features.

In 2015, the Center provided

- 33 orientation and continuing education programs for 1,779 judges
- 21 programs for 15,210 legal staff
- 7 programs for 247 executives, including chief judges, clerks and deputy clerks of court, and probation and pretrial services chief deputies and deputy chiefs
- 219 programs for 8,004 supervisors, managers, and court staff
- 9 programs for 807 senior probation and pretrial services officers
- 19 new videos and 19 new publications
- 8 e-learning programs for at least 826 managers, supervisors, legal staff, and court staff
- educational components at 18 programs produced by the Administrative Office, individual courts, and other organizations and attended by 1,692 court staff and judges.

The above-noted programs and attendee figures include both in-person and distance-education events. The tables on page 9 contain detailed statistical information listed by audience and delivery method.

Judicial and Legal Education

The Center produces orientation and continuing education programs and resources on judging, case management, substantive and procedural law, and other subjects

germane to the adjudicative work of judges and attorneys employed by the courts.

Orientation Seminars for New Judges

New district, bankruptcy, and magistrate judges attend two orientation programs during their first year on the bench.

In 2015, the Center delivered one Phase I program for district judges and two each for bankruptcy and magistrate judges. Week-long Phase I orientation seminars for district, bankruptcy, and magistrate judges occur soon after a judge is confirmed or appointed. These seminars cover judicial ethics, case management, chambers organization and workflow, evidence, judicial security, the role and demeanor of the judge, the use of information technology, and topics specific to each type of judge, for example, sentencing for district judges.

Later in their first year, judges attend a second week-long seminar that provides greater depth on ethics, court management, the role of the judge, and substantive legal topics. The Center delivered one Phase II program for each judge type in 2015.

New court of appeals judges attend a single, two-day program covering chambers management, case management, collegiality, judicial ethics, opinion writing, wellness, and managing caseloads using information technology.

Continuing Education Workshops and Seminars for Judges

National workshops for bankruptcy judges included sessions on ethics, judicial efficiency, contempt and sanctions, evidence, trial techniques, debt-collection practices, and the role of the judge. National workshops for magistrate judges covered settlement conferences, ethics, and technology. Each of the four circuit workshops for court of appeals and district judges was designed in consultation with planning committees from those circuits to address matters of particular interest to the participating judges. An in-district program on pretrial release and detention decision making for magistrate judges provided scenario-based discussions among judges, pretrial services experts, and faculty.

Special-focus seminars in 2015 addressed the following subjects: antitrust and economics; corrections; electronic discovery; employment law; the humanities and science; intellectual property; judging at mid-career; law and biosciences; law and the economy; law and society; managing complex litigation; national security, surveil-

lance technology, and the law; neuroscience; and the Reconstruction Amendments to the Constitution.

Programs for Federal Judiciary Attorneys

The Center produces educational programs and resources for federal defenders and for attorneys who support and assist judges in the courts, including appellate staff attorneys, district court pro se and death penalty law clerks, circuit and district mediators, bankruptcy administrators, and chambers law clerks.

Persons selected to serve as chambers law clerks may participate in Phase I of the online Interactive Orientation for Federal Judicial Law Clerks before they begin their service in the courts; once they begin their employment, they can complete Phase II of the orientation. Topics include ethics, using social media, evidence, sentencing, and jurisdiction.

A national workshop for circuit mediators broadened participants' understanding of ways to resolve disputes through skills-based sessions on listening, understanding interests, and developing options.

The National Conference for Pro Se Law Clerks was attended in person by 131 clerks, with more than 300 additional viewers watching the live video stream. Topics included sentencing, habeas, prison condition litigation, the death penalty, and effective writing.

Career law clerks attended a judicial clerkship institute, which included sessions on ethics, scientific evidence, sentencing, bankruptcy, Social Security appeals, and the psychology of litigation.

The Center organizes educational programming for federal defenders. In 2015, new assistant federal defenders attended an orientation seminar, while additional continuing education seminars served defenders and staff who perform management, capital habeas, and appellate work. These seminars addressed legal issues; race, poverty, and justice; case management; writing; trial tactics; computer technology; ethics; and sentencing, among other topics.

Online Resources

Several "Best Practices" forums on FJC Online enable judges, court staff, and Center staff to exchange ideas and information on a wide range of topics.

The Center conducts monthly *Court Web* webcasts, which give court attorneys up-to-date information on substantive law, relevant science, and suggested practices for case management. Judges and other court staff also

participate. Topics in 2015 included sentencing, Section 1983 litigation, managing the pro se litigation docket, and hearsay. The Center produced an additional webcast, *The Impact of Teva Pharmaceuticals v. Sandoz on Patent Claim Construction in the District Courts*.

The Center produced the following judicial and legal educational videos:

- *Supreme Court: The Term in Review (2014–2015)*
- *A Review of Eighth Circuit Bankruptcy Decisions*
- *A Review of Ninth Circuit Bankruptcy Decisions*
- *How Complex Computer Systems Are Used in Criminal Activity, Criminal Investigation, and Criminal Prosecution*
- *Computers and Digital Forensics*
- *Amendment to the Federal Rules of Practice and Procedure: Evidence 2015*
- *Amendment to the Federal Rules of Practice and Procedure: Civil Rules 2015*
- *Organization and Jurisdiction of the U.S. Bankruptcy Courts (2015 update)*
- *A Conversation on Judging—Then and Now*

The following titles were printed in 2015 and are also available on FJC Online:

- *Awarding Attorneys' Fees and Managing Fee Litigation, Third Edition*
- *Criminal e-Discovery: A Pocket Guide for Judges*
- *Discovery in International Civil Litigation: A Guide for Judges*
- *National Security Case Studies: Special Case-Management Challenges, Sixth Edition*
- *The 1980 Hague Convention on the Civil Aspects of International Child Abduction: A Guide for Judges, Second Edition*
- *Understanding Software, the Internet, Mobile Computing, and the Cloud: A Guide for Judges*

The Center posted the following new or updated online publications and resources on FJC Online in 2015:

- *Bankruptcy eReference: Bankruptcy Rules, Code, and Fed. R. Civ. P.*
- *Case Studies in Emergency Election Litigation*
- *Case Studies of Multidistrict Litigation and Non-Centralized Cases*
- *Consumer Law Update*
- *Deskbook for Chief Judges of United States Bankruptcy Courts, Fourth Edition*
- *The Federal Judiciary's Civics Education Efforts: Results of a 2014 Federal Judicial Center Survey*

- *Fourth Report Pursuant to Section 202(e) of the Dodd–Frank Wall Street Reform and Consumer Protection Act Pub. L. No. 111-203* (2010)
- *International Environmental Law: A Guide for Judges*
- *Overview of Section 1983 Litigation*
- *Recent Developments in Bankruptcy Law*
- *Report on Pilot Project Regarding Initial Discovery Protocols for Employment Cases Alleging Adverse Action*
- *Section 1983: Qualified Immunity*
- *Supervising Cybercrime Offenders Through Computer-Related Conditions: A Guide for Judges*

Special topic webpages contain collections of Center resources, chosen and curated by staff, covering specific topics of interest. In 2015, the following special topic webpages were available on FJC Online:

- Bankruptcy Pro Se Debtors and Creditors: Resources for Parties, Court Staff, and Judges
- District Court Pro Se Litigation: Resources for Litigants, Court Staff, Attorneys, and Judges
- Election Litigation
- Illustrative Forms of Class Action Notices
- Legal Issues in Pandemic-Related Litigation
- Managing Capital Cases
- National Security Cases
- Probation and Pretrial Services
- Technology in Litigation

The Chambers Online Automation Training (COAT) program is a collection of 13 online training modules designed to teach judges and chambers staff how to use court technology more effectively. The self-paced modules are divided into separate training tracks for appellate, district, and bankruptcy staff. The modules include training on connecting to chambers from remote locations, computer security, courtroom technology, and tablet devices.

Executive Education

The Center provides leadership and management education for chief judges, court unit executives, and deputy court unit executives.

At the Conference for Chief Judges of U.S. District Courts, participants discussed new judicial branch policies, budget challenges, and how to deal with multiple pressing issues and stress.

The Leadership Role of the Chief District Judge Program hosted fourteen teams of new or incoming chief judges and their court unit executives to examine the leadership and management responsibilities of the court.

Teams discussed different approaches to court governance, working with internal and external stakeholders, and holding difficult conversations with colleagues.

The twelve-month Judiciary Executive Leadership Program for court unit executives combined in-person workshops, distance-learning sessions, independent study, and mentoring on relevant leadership topics. Leadership webinars for new chiefs of probation and pretrial services offices explored resiliency and self-awareness.

Participants attending the Institute for Deputy Court Unit Executives developed strategies for building effective court teams and created a clear, compelling strategy and vision to meet the issues challenging the courts today. Similarly, the New Deputy Chiefs Program for probation and pretrial services officers helped newly appointed deputies transition into their new positions and strengthen their business acumen, decision-making quality, and managerial courage.

Management and Professional Development Education

The Center provides learning opportunities for managers and supervisors on effective management, and for staff on knowledge, skills, and attributes common to many positions in the courts.

Management Skills

The New Supervisors Development Program helps recently appointed supervisors develop new skill sets as soon as they are appointed to their positions by starting with a self-directed and self-paced component, followed by an in-person workshop, and rounded out with a self-directed, online component.

The Federal Court Leadership Program is a five-phase, two-year program. Applying a blended-learning approach, the program teaches management and leadership knowledge, skills, and attributes.

The three-year Probation and Pretrial Services Leadership Development Program culminated with an in-person program for 74 graduates of Class XII in 2015.

The Center piloted the new Management Development Program for experienced supervisors from all types of court units. This program combines pre- and post-workshop webinars with a two-and-one-half-day, in-person workshop and addresses critical thinking, enhancing work relationships, mastering conflict, conducting difficult conversations, and fostering a motivating and engaging workplace.

Juror Management

The Juror Management and Utilization Workshop provided judges, clerks of court, and jury administrators with a forum to share best practices and examine strategies for effective juror management. Participants analyzed current issues and future trends relating to juror management and formulated action plans to address issues relevant to their courts. The Center also produced or updated three videos designed to orient jurors to their role: *Called to Serve* (for grand juries), *The People's Panel* (for petit juries), and *Social Media and Jury Duty*.

Space and Facilities

Two Center instructional developers worked with the Administrative Office, courts, and the Government Services Administration (GSA) to plan, develop, and deliver instructor-led training for all staff involved in space-management issues across the courts and GSA. The effort is based on the recommendations of the Service Validation Final Report presented to the Judicial Conference in 2015. The report called for improvements to communication and training, methodologies for efficient resolution of concerns, information tools and resources, streamlined business processes and protocols, and clarification and application of policies.

General Skills

The Center has developed a cadre of trainers among court employees. These trainers deliver packaged programs for the Center in courts across the country. In 2015, the Center delivered in-district programs that addressed the code of conduct, respect in the workplace, preventing workplace harassment, dealing with difficult decisions, managing organizational transitions, performance management, presentation skills, structured writing, time management, and trust. In addition, 409 staff from probation, pretrial services, and clerks' offices enrolled in Foundations of Management, a self-study program.

The Center produced videos designed to educate court employees about procedures, innovations, or other developments in the courts. These were *How Criminal Cases Move Through the District Courts*, *Vaccine Injury Program and the U.S. Court of Federal Claims*, and five videos in the *Court to Court* series: *eSR—electronic Self-Representation*, *eSR Reprise*, *Dealing with Unscrupulous Bankruptcy Petition Preparers*, *Training New Hires for Success*, and *Succession Planning and Staff Development*.

Probation and Pretrial Services Education

Once probation and pretrial services officers complete their basic training, they may attend a variety of Center programs, including many of the leadership, management, and other programs described in previous sections, as well as programs designed specifically for probation and pretrial services work.

Officers participated in the one-year Supervising Officers in an Evidence-Based Environment in-district program, which targets specific competencies, so that supervisors can monitor officers' supervision of defendants and offenders and ensure officers' actions are in accord with evidence-based practice. The program consists of three major parts: a week-long assessment of supervisors' specific needs; a week-long session on connecting the results of the federal risk/needs-assessment instrument to supervision strategies; and a year of quarterly reviews of the participants' skill practice.

The Center collaborated with staff from the Bureau of Prisons, the Administrative Office's Probation and Pretrial Services Office, and several chief and deputy chief U.S. probation officers to develop the curriculum for the Federal Drug Sentencing Guidelines Amendment Reentry Conference. Participants worked to identify issues and facilitate the successful reentry of inmates released following the amendment to the federal sentencing guidelines, which shortened sentences for many drug offenders.

The Ninth Circuit Corrections Summit, jointly sponsored with the Ninth Circuit and the Association of State Correctional Administrators, brought together federal and state judges, prosecutors, defense counsel, probation officers, and corrections personnel. Participants identified ways to collaborate with counterparts to improve prisoner litigation processes and outcomes in each state and federal district in the Ninth Circuit.

Five court teams participated in the final phase of the Quality Improvement in Federal Problem-Solving Courts Seminar, which offers a systematic approach to help courts optimize their underlying processes to improve management of defendants and offenders. Teams typically include a judge, a prosecutor, a defender, a social worker, and probation and pretrial services officers. The program consists of two seminars; six bimonthly phone consultations with each team; and a dedicated FJC Online forum.

The Southeast Regional Reentry Symposium provided participants with sessions on the numerous policy and practice issues faced in the reentry of criminal offenders into society and highlighted innovations in reentry practice currently underway in the Southeast region.

Judicial Education Programs

	Number of Programs	Number of Participants
Orientation for newly appointed circuit judges	1	3
Orientations for newly appointed district judges	2	99
Orientations for newly appointed bankruptcy judges	3	62
Orientations for newly appointed magistrate judges	3	96
National workshops for bankruptcy judges	2	280
National workshops for magistrate judges	2	352
Circuit workshops	4	328
Special-focus seminars	14	514
In-district programs	2	45
TOTAL	33	1,779

Legal Staff Education Programs

	Number of Programs	Number of Participants
Judicial clerkship institute for career law clerks	1	63
National conference for pro se law clerks	1	131
Workshop for circuit mediators	1	45
Capital habeas unit national conference	1	169
Appellate writing workshop for federal defenders	1	43
Conference for federal defender administrators	1	139
National seminar for federal defenders	1	392
Orientation seminar for assistant federal defenders	1	145
TOTAL	8	1,127

Programs for Executives, Managers, Supervisors, Probation and Pretrial Services Officers, and Staff

	Number of Programs	Number of Participants
Leadership and management programs for chief judges, court unit executives, and deputy court unit executives	7	247
Programs for supervisors, managers, aspiring leaders, court staff, and trainers	9	440
Programs specific for probation and pretrial services officers	9	807
In-district programs for supervisors, managers, aspiring leaders, court staff, and trainers	210	7,564
TOTAL	235	9,058

Distance Education Programs

	Number of Programs	Number of Participants
Technology-based programs (e-learning programs, webcasts, and webinars) for judges and legal staff	13	14,083
Technology-based programs for court unit executives, deputy unit executives, legal staff, supervisors, managers, aspiring leaders, court staff, and trainers	8	826
TOTAL	21	14,909
GRAND TOTAL*	297	26,873

*Does not include programs developed with other organizations.

RESEARCH

The Center designs and conducts empirical and exploratory studies of federal judicial processes, court administration, and case management, most frequently at the request of committees of the Judicial Conference of the United States. In 2015, the Center completed 22 major research projects and continued work on 56 others. The results of most of the Center's research are available in print, on its websites, or both.

Alternative Dispute Resolution

At the request of the Committee on Court Administration and Case Management (CACM Committee) and the Judicial Resources Committee (JRC), the Center concluded a study to assess the cost-effectiveness of alternative dispute resolution programs in the district courts. The project collected and analyzed extensive data from a sample of cases in the eight study districts, along with on-site interviews with selected judges, court administrators, attorneys, and neutrals. The final project report will be submitted to both committees in early 2016.

Bankruptcy Courts

As requested by the Committee on the Administration of the Bankruptcy System (Bankruptcy Committee), the Center commenced an evaluation of the bankruptcy judgeship vacancy pilot program. The pilot provides for two unfilled bankruptcy judgeship positions in one district to be loaned to two other districts with high-volume bankruptcy caseloads.

The Center assisted the Administrative Office in preparing the fourth report to Congress mandated by the Dodd–Frank Act. The Center also assisted the Administrative Office's Court Services Office with its plans to survey judges, case trustees, and others regarding the work of the bankruptcy administrators.

Civil Litigation

In response to a request from the Committee on Federal–State Jurisdiction, the Center conducted an analysis of case processing times in the federal courts' expedited reviews of capital habeas petitions.

The Center concluded its evaluation of the pilot digital video recording of civil proceedings in fourteen district courts. The study was undertaken at the request of the CACM Committee and with the involvement of the Ex-

ecutive Committee of the Judicial Conference. The final project report will be released in 2016.

At the request of the Southern District of New York, the Center surveyed a sample of attorneys regarding that district's pilot implementation of pretrial cost- and delay-reduction strategies in complex civil cases.

For the Civil Rules Committee, the Center conducted an evaluation of protocols for pattern discovery in adverse-action employment cases. The protocols were developed by a committee of plaintiff and defense attorneys.

The Center continued to monitor activities in the thirteen designated districts in the Congressionally mandated ten-year pilot of patent case assignments, as requested by the CACM Committee. Work has commenced on the five-year, mid-point pilot report that is due to Congress by October 2016.

Criminal Litigation

The Center is nearing the conclusion of its multiyear experimental cost-effectiveness study of a sample of federal offender reentry programs that utilize an evidence-based practices model developed by the Administrative Office's Office of Probation and Pretrial Services (AO OPPTS). The focus of this research has been on reentry models implemented in five district courts. The study was requested by the Committee on Criminal Law. At the request of the Central District of California, the Center initiated a new process-descriptive study of that district's criminal pretrial diversion program.

At the request of the CACM Committee, the Committee on Criminal Law, and the Committee on Defender Services, the Center gathered information from district judges, federal probation officers, federal prosecutors, and federal defenders regarding instances of threats and/or harm to defendants, post-sentenced offenders, and witnesses in criminal cases, owing to their cooperation with the government.

The Center worked with AO OPPTS staff to produce a guide to assist judges with imposing conditions of supervision for offenders convicted of cybercrimes. The Center also continues to work with the Ad Hoc Committee on Bankruptcy Court Structure and Insolvency Processes to develop guidance for judges on cases that involve bankruptcy crimes.

Multidistrict Litigation

At the request of the chair of the U.S. Judicial Panel on Multidistrict Litigation (JPML), the Center conducted a short informational survey of all district judges to gauge their interest in serving as MDL transferee judges. Also at the request of the JPML, the Center completed a series of case studies of thirty litigation clusters that were before the JPML between 2010 and 2013. The case studies included twenty litigations that were centralized as MDL proceedings and ten that were not. At the request of the MDL panel attorney, the Center continued to conduct exit surveys of transferee judges with recently closed MDLs.

At the suggestion of the JPML, the Center initiated a study of case-management issues and challenges that often arise in multiple or overlapping MDLs that include multiple class actions.

Other Center Research

The Center completed its work to update the 2004 district court case weights as requested by the Statistics Subcommittee of the JRC. Another multiyear study completed by the Center generated data and insights from chief judges, judges, and staff in a sample of districts identified by the CACM Committee as congested or expedited courts.

The Center completed a follow-up to the 2009 assessment of the frequency with which unredacted Social

Security numbers can be found in federal court records that are accessible via PACER searches. This study was undertaken at the request of the chair of the Committee on Rules of Practice and Procedure.

As a follow-up to its 2011 survey of district court judges regarding instances of detected inappropriate use of social media by jurors or attorneys, the Center, at the request of the CACM Committee, surveyed a sample of attorneys about their perceptions of other attorneys' improper access to social media.

The Center continued its evaluation of the extended and expanded court law clerk pilot program as requested by the JRC. This pilot is scheduled to conclude in 2018.

As requested by the Advisory Committee on the Federal Rules of Evidence, the Center commenced a review of the scientific literature on the reliability of present sense impressions and excited utterances exceptions to the hearsay rule.

The Center is working with the staff of the Administrative Office and an outside expert group to assist a special cost-containment subcommittee that includes representatives from the CACM Committee and the Bankruptcy, Criminal Law, Defender Services, and Magistrate Judges Committees. The goal of the subcommittee is to identify and evaluate structural and organizational cost-containment proposals that may be relevant to the federal courts.

FEDERAL JUDICIAL HISTORY

The Center's statute directs it to conduct, coordinate, and encourage programs relating to the history of the judicial branch.

In partnership with the Supreme Court Historical Society, the Center worked with a team of distinguished authors to complete the first-ever narrative history of the federal judiciary. The Center reviewed the manuscript and contributed the foreword and epilogue. The volume has been accepted by Oxford University Press and is expected to be published in 2016.

The Center continued to expand the historical reference materials available on the History of the Federal Judiciary section of the Center's websites on the Internet and the federal judiciary's intranet. This includes the development of an interactive timeline as well as charts, graphs, and other images on the history of the federal

courts. It continued the preparation of a third and final volume of *Debates on the Federal Judiciary: A Documentary History*. Center staff continue to consult with courts about the preservation of their history and organized the annual meeting of representatives from federal and state court historical programs.

The Center also continued its efforts to increase public education concerning the history of the federal courts. The Center launched a Twitter account. The account, @FedJudicialHist, includes tweets with links to material on the History of the Federal Judiciary section of the Center's website, events and programs of the Federal Judicial History Office and court historical societies, and facts about the history of the federal courts and judiciary.

In partnership with the American Bar Association Division for Public Education, the Center held a tenth

annual teacher institute on historic cases in the federal trial courts. History teachers from across the country met with federal judges, scholars, and curriculum experts to examine the *Amistad* case, *Bush v. Orleans Parish School Board*, and the Chicago Seven conspiracy trial. The teachers also attended a Supreme Court session and visited the U.S. District Court for the District of Maryland. The Center will offer an eleventh teacher institute in Washington, D.C., in June 2016. The institutes are based on the Center's online Teaching Judicial History project.

The Center began planning for a conference on the history of the federal judiciary to be held in 2016. The conference will bring together legal historians, federal judges, and Center staff to discuss major issues in the history of the judicial branch and to foster research on important topics in the history of the courts and the judiciary. The Center plans to publish a volume of essays based on the conference.

INTERNATIONAL JUDICIAL RELATIONS

In 1992, the Center's implementing legislation was amended to authorize collaboration with the judiciaries of other nations. The International Judicial Relations Office coordinates this effort, hosting delegations for informational briefings about the U.S. judicial system and offering assistance to judicial development projects abroad. In 2015, the Center hosted 571 visitors from 54 different countries and jurisdictions, listed below:

Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, China, Czech Republic, Denmark, Ethiopia, Finland, Gabon, Georgia, Germany, Honduras, Hungary, Japan, Kazakhstan, Kyrgyzstan, Laos, Liberia, Mexico, Moldova, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Nigeria, Pakistan, Philippines, Qatar, Russia, Saudi Arabia, Serbia, Singapore, South Korea, Spain, Sri Lanka, Sweden, Tajikistan, Thailand, Tunisia, Turkey, Turkmenistan, United Kingdom, Uzbekistan, Zimbabwe

Each group of judges, lawyers, and court personnel has a somewhat different set of questions and priorities. However, many of the visiting delegations were particularly interested in strategies the U.S. courts have adopted to improve case management, introduce alternative dispute resolution, administer the code of judicial conduct, and develop a responsive curriculum for judicial branch education.

The Center also hosts groups for longer-format programs. For example, working with the U.S. Department of Justice, the Center hosted criminal court judges from Algeria for a workshop focusing on criminal justice issues, including the plea bargaining process and pretrial proceedings. At the request of an organization based in Africa, the Negotiation & Conflict Management Group, the Center coordinated a week-long program about the U.S. judicial system for judges from Nigeria. This program included visits to local courts, organizations involved with legal reform, and universities.

The Visiting Foreign Judicial Fellows Program offers judges and other legal professionals an opportunity to spend an extended period of time at the Center, exploring an area of judicial administration of relevance to their home judiciaries. This year's fellows included judges from Bangladesh, Brazil, and South Korea, as well as a law professor from Hungary.

Center staff members have a broad range of expertise and periodically some are invited to assist with international rule of law initiatives abroad. These programs are funded by other U.S. government agencies or international organizations. Projects in 2015 included assessment missions in Namibia (judicial administration) and Morocco (judicial education), workshops focusing on the development of judicial publications (Serbia and Ukraine), and judicial education conferences in Argentina, Armenia, Brazil, and Georgia.

RESOURCES

Websites

The Center's website on the judiciary's intranet, FJC Online, provides a convenient and accessible place for judges and court staff to find information on the Center's research, education, history, and international programs and activities and to find print, video, and audio materials. Audio recordings of many conferences and workshops are available on FJC Online. Most Center publications, and some other resources, are also available to the public on the Center's Internet site (www.fjc.gov).

Publications

Center manuals, monographs, and research reports are described throughout this report. In 2015, the Center distributed 16,748 printed copies of its publications. Commercial publishers reprint several Center publications for sale to the public, including the *Reference Manual on Scientific Evidence, Third Edition*; *Manual for Complex Litigation, Fourth Edition*; *Patent Case Management Judicial Guide*; and *Anatomy of a Patent Case, Second Edition*.

Media Library

The media library contains 5,600 audio and video programs, including Center-produced educational video programs, video and audio recordings of seminars and workshops, and commercially produced educational video programs. In 2015, the media library loaned 251 programs to federal judges and judicial branch personnel on request and sent some 2,021 Center-produced media programs directly to the courts for them to keep and use in local education and training programs.

Information Services

Drawing from a specialized collection of books, journals, and published and unpublished documents on the work of the federal courts, the Center serves as a national clearinghouse for information on federal judicial administration. During the year it answered numerous requests for information from judges and court staff, congressional staff, other government agencies, academics, researchers, the media, and others.

FEDERAL JUDICIAL CENTER FOUNDATION

The Federal Judicial Center Foundation is a private, non-profit corporation that Congress established to receive gifts to support the work of the Center. The Foundation has sole authority to decide whether to accept gifts, and thereby to determine the suitability of would-be donors. The Foundation may not accept gifts earmarked for projects that have not previously been approved by the Center's Board, and the Center has sole control over the design and conduct of activities supported by donations. 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 Foundation board member may be a judge. Foundation board members at the close of 2015 were:

James M. Wagstaffe, San Francisco, Cal., *Chair*

Richard D. Casey, Sioux Falls, S.D.

Laurie L. Michel, Washington, D.C.

Blake D. Morant, Winston-Salem, N.C.

John B. White, Jr., Spartanburg, S.C.

Benjamin L. Zelenko, Washington, D.C.

[One position was vacant]

In creating the Foundation, Congress directed that in its annual report the Center describe the purposes for

which Foundation gifts were used in the reporting year. The Center used the following Foundation gifts in 2015:

- Funds provided by the American Association for the Advancement of Science to cover travel expenses for federal judges to attend two programs on emerging issues in neuroscience.
- Funds provided by the Electronic Discovery Institute to cover travel expenses for judges to attend a seminar on the theories and practical considerations surrounding the proposed changes to the Federal Rules of Civil Procedure.
- Funds provided by Vanderbilt University to cover travel expenses for mid-career federal judges to attend a seminar on issues and challenges faced by judges who have served five to ten years on the bench.
- Funds provided by the George Mason University Foundation to cover travel expenses for judges to attend a seminar on antitrust law.
- Nonearmarked grants to support a judicial seminar on the humanities and science at Princeton University (the Harold Medina Seminar).

ADVISORY COMMITTEES

Advisory committees provide guidance on curriculum development, education programs, and publications. The Chief Justice appoints the members of the advisory committees on appellate, bankruptcy, district, and magistrate judge education and the *Benchbook* committee, and Center Board members serve on each of these committees.

In 2015, the Center reorganized several education advisory committees to parallel the 2014 reorganization of the Education Division, in order to integrate education and training in leadership, management, and common professional skills across all court units. Consequently, the Executive Education, Management and Professional Development Education, and Probation and Pretrial Services Education Advisory Committees were formed in March 2015.

The advisory committees had the following membership as of December 2015.

Committee on Appellate Judge Education

Judge Sandra Segal Ikuta (9th Cir.), *Chair*
Judge Janice Rogers Brown (D.C. Cir.)
Judge Kent A. Jordan (3d Cir.), *Center Board Representative*
Judge Michael J. Melloy (8th Cir.), *Center Board Representative*
Michele E. Reed (Administrative Office of the U.S. Courts)

Committee on Bankruptcy Judge Education

Bankruptcy Judge Shelley C. Chapman (S.D.N.Y.), *Chair*
Bankruptcy Judge Mildred Caban (D.P.R.)
Bankruptcy Judge John E. Hoffman, Jr. (S.D. Ohio)
Bankruptcy Judge William J. Lafferty III (N.D. Cal.)
Chief Bankruptcy Judge C. Ray Mullins (N.D. Ga.), *Center Board Representative*
Judge Pamela Pepper (E.D. Wis.)
Troy McKenzie (New York University School of Law)
Michele E. Reed (Administrative Office of the U.S. Courts)

Committee on District Judge Education

Chief Judge Marcia S. Krieger (D. Colo.), *Chair*
Chief Judge Catherine C. Blake (D. Md.), *Center Board Representative*
Judge Edward M. Chen (N.D. Cal.)
Judge Curtis Lynn Collier (E.D. Tenn.), *Center Board Representative*
Judge Catherine C. Eagles (M.D.N.C.)
Judge Carol E. Jackson (E.D. Mo.)
Chief Judge William E. Smith (D.R.I.)
Michele E. Reed (Administrative Office of the U.S. Courts)

Committee on Magistrate Judge Education

Magistrate Judge Lisa P. Lenihan (W.D. Pa.), *Chair*
Magistrate Judge Jonathan W. Feldman (W.D.N.Y.), *Center Board Representative*
Magistrate Judge Paul S. Grewal (N.D. Cal.)
Magistrate Judge Robert M. Levy (E.D.N.Y.)
Magistrate Judge Thomas C. Mummert III (E.D. Mo.)
Magistrate Judge Cheryl R. Zwart (D. Neb.)
Michele E. Reed (Administrative Office of the U.S. Courts)

Committee on the *Benchbook* for U.S. District Court Judges

Judge John W. Lungstrum (D. Kan.), *Chair*
Judge Irene M. Keeley (N.D. W. Va.)
Judge Ann D. Montgomery (D. Minn.)
Judge Kimberly J. Mueller (E.D. Cal.), *Center Board Representative*
Chief Judge Patti B. Saris (D. Mass. and U.S. Sentencing Commission)
Judge Robert H. Whaley (E.D. Wash.)

Committee on Court Attorney Education

D. Robert Smith (Staff Attorney, N.D. Tex.), *Chair*
Kimberly Berger (Pro Se Law Clerk, D. Md.)
Lisa Fitzgerald (Senior Staff Attorney, 9th Cir.)
Eileen Garcia-Wirshing (Career Law Clerk, Chief District Judge, D.P.R.)
Terees Jenkins (Pro Se Law Clerk, E.D. Tex.)
Jennifer Knight (Career Law Clerk, District Judge, D.D.C.)
Lauren Mandel (Career Law Clerk, District Judge, E.D. Mich.)
Delores Simmons (Career Law Clerk, District Judge, D.D.C.)
Tamala Wayne (Supervisory Staff Attorney, 2d Cir.)
Gloria Malkin (Administrative Office of the U.S. Courts)
Henry Wigglesworth (Administrative Office of the U.S. Courts)

Defender Services Advisory Group Panel on Defender Education

Jon Sands (Federal Public Defender, D. Ariz.), *Chair*
Denise Barrett (Sentencing Resource Counsel Project)
Lisa Freeland (Federal Public Defender, W.D. Pa.)
Christina Hunt (Federal Community Defender, M.D. Ga.)
David McCann (CJA Panel Attorney Representative, D.S.C.)
Marjorie Meyers (Federal Public Defender, S.D. Tex.)
Anthony Natale (Supervisory Assistant Federal Public Defender, S.D. Fla.)
David Patton (Federal Community Defender, E.D.N.Y. & S.D.N.Y.)
Gilbert Schaffnit (CJA Panel Attorney Representative, N.D. Fla.)
Carlos Williams (Federal Community Defender, S.D. Ala.)
James Wyda (Federal Public Defender, D. Md.)

Committee on Executive Education

Claudia Bernard (Chief Circuit Mediator, 9th Cir.), *Chair*
Chief Bankruptcy Judge C. Ray Mullins (N.D. Ga.), *Center Board Representative*
Judge David Nuffer (D. Utah)
Angela Caesar (Clerk of Court, D.D.C.)
James Corpening (Chief U.S. Probation and Pretrial Services Officer, E.D.N.C.)
John Domurad (Chief Deputy, N.D.N.Y.)
Frances McNulty (Chief Deputy, W.D. Va.)
Carol Miyashiro (Chief U.S. Pretrial Services Officer, D. Haw.)
Sandra Smith (Chief Deputy, Bankr. E.D. Cal.)
Diane Zech (Clerk of Court, Bankr. D. Neb.)
Grant Meyers (Administrative Office of the U.S. Courts)
Leeann Yufanyi (Administrative Office of the U.S. Courts)

Committee on Management and Professional Development Education

Katherine Gullo (Clerk of Court, Bankr. E.D. Mich.), *Chair*
Beryl Dixon (Officer of Planning and Personnel Management, Bankr. C.D. Cal.)
Julie Jones (Branch Librarian, 2d Cir.)
Kit Lemon (Deputy Chief U.S. Probation Officer, D. Neb.)
Woodrow Parks (Training Specialist, Bankr. D. Minn.)
Karen Prochniewski (Training Manager, E.D. Wis.)
Eric Storms (Chief Deputy, D. Me.)
Jeffrey Thomason (Chief U.S. Probation Officer, D. Idaho)
Lisa Tidwell (Courtroom Services Supervisor, S.D. Ill.)
William Hicks, Jr. (Administrative Office of the U.S. Courts)
Gary McCaffrey (Administrative Office of the U.S. Courts)

Committee on Probation and Pretrial Services Education

Connie Smith (Chief U.S. Probation Officer, W.D. Wash.), *Chair*
Douglas Burris (Chief U.S. Probation Officer, E.D. Mo.)
Suzan Contreras (Assistant Deputy Chief U.S. Probation Officer, W.D. Tex.)
Troy Greve (Supervising U.S. Probation Officer, D. Neb.)
Yador Harrell (Chief U.S. Probation Officer, N.D. Cal.)
Elisa Martinez (Sr. U.S. Probation Officer/Treatment Specialist, D.N.J.)
LaToya Myles (U.S. Probation Officer, M.D. Fla.)
Wade Warren (Chief U.S. Probation Officer, D.N.D.)
Mary Jean Gagnon-Odom (Administrative Office of the U.S. Courts)
Amanda Garcia (Administrative Office of the U.S. Courts)