

FEDERAL JUDICIAL CENTER
INTERNATIONAL JUDICIAL RELATIONS OFFICE
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THE FEDERAL JUDICIAL CENTER

EDUCATION AND RESEARCH FOR THE U.S. FEDERAL COURTS

History

Congress created the Federal Judicial Center in 1967, a period in U.S. judicial history marked by growing interest in the use of quantitative research and continuing education to improve judicial administration and the management of caseloads. Representatives of the federal judiciary, including then-Chief Justice Earl Warren, recognized the importance of research, planning, and education for the long-term effectiveness of the courts and proposed that Congress create an organization within the judicial branch with responsibility for these tasks. The Administrative Office of the U.S. Courts had been established in 1939 to oversee the administration of the judicial branch budget, the collection of statistical data, policy innovations, and legislative relations. Rather than assigning responsibility for education to the Administrative Office, Congress created the Center as a distinct judicial agency, thereby separating the research and education functions from policy-making responsibilities and protecting funding of those functions from the demands of everyday court business.

Mission

The Center provides education and training for judges and employees of the federal courts. It also coordinates educational programs for federal public defenders, who represent indigent criminal defendants in federal court. (The U.S. Department of Justice trains federal prosecutors.) The Center's research division conducts empirical studies and exploratory research into different aspects of judicial administration, such as case management, alternative dispute resolution, and proposed amendments to the federal rules of procedure. These research activities often inform development of Center educational programming. The Center is also responsible for documenting the history of the federal courts.

In 1992, Congress amended the enabling legislation to authorize the Center to serve as a resource for foreign judiciaries. Its International Judicial Relations Office provides information to federal government agencies and other organizations working in the field of international judicial development.

The Center does not train state court judges and personnel or provide services to them.

Structure

The Center operates under the general direction of its board, which is chaired by the Chief Justice of the United States, with seven federal judges elected to four-year terms by the Judicial Conference of the United States. The Director of the Administrative Office of the U.S. Courts is an ex officio member of

the Center's board. The board establishes policy and consults on programs and research projects; it is not involved in the Center's day-to-day operations. The board appoints the Center's director and deputy director. Traditionally, the director is a federal judge who gives up judicial duties while serving. There is no statutory term of office for directors.

The Center has a staff of about 120 that includes attorneys, education specialists, researchers with advanced degrees in law and the social sciences, and professionals with expertise in media, publications, and information technology. The Education Division works in consultation with advisory committees of judges and court staff.

Funding

The Center's annual budget in 2014 was approximately \$26 million, used for program costs (participant travel, lodging, meals, etc.), distance-learning technologies, staff salaries, and other operational needs. These funds are allocated directly to the Center by Congress. A separate Federal Judicial Center Foundation created by Congress decides whether to accept private gifts offered to support the Center's work. Foundation funds, while important, are a small fraction of the Center's overall spending.

Judicial Education

Federal judges preside over varied caseloads that include both civil and criminal cases, with subjects ranging from civil rights and intellectual property to narcotics offenses and corporate crimes. The Center develops judicial education programs and materials designed to assist judges with managing growing caseloads while keeping abreast of relevant developments in law, science, and technology.

The Education Division provides orientation seminars for newly appointed judges as well as continuing judicial education programs. Programs and written materials emphasize practical skills. Rather than working from a standard law school-type curriculum, the Center regularly revises course offerings based on new developments in the law and court practice. Judicial education attorneys plan and coordinate seminars, often consulting with advisory committees of federal judges, court administrators, and, in some cases, legal practitioners. Presentations are delivered by federal judges with expertise in particular areas, as well as by academics and practitioners and, occasionally, Center staff members. The Center takes great care to ensure that programs are balanced, presenting all legitimate viewpoints relevant to the subject matter covered in its workshops. Most faculty volunteer their services, compensated only by reimbursement of expenses and, in the case of non-judges, small honoraria.

There are no mandatory educational requirements or standards for federal judges, but the majority take advantage of Center offerings. Attendance costs (travel, lodgings, and meals) are paid by the Center.

Orientation programs

Federal judges do not take a special examination or course to gain appointment, and their post-appointment orientation is relatively brief. Before serving, judges have had significant professional experience as attorneys (private or government practice) and, in some cases, as members of state judiciaries or lower federal courts.

The Center sends newly appointed judges a selection of educational publications and DVDs and invites them to attend two one-week orientation sessions focusing on skills unique to judging: civil and criminal trial practice, case management, judicial ethics, opinion writing, and, for district judges, the criminal sentencing process. Substantive law covered during the orientation process is limited to complex areas of statutory and constitutional law that arise frequently in federal litigation (e.g., employment discrimination and habeas corpus). New judges rely on their independent legal research to master other areas of the law with which they are unfamiliar.

The first phase of the orientation cycle takes place within a few months of the judge's appointment and typically includes eight to twelve new judge participants. The program uses a mentoring model: two experienced judges lead a series of discussion sessions throughout the week. During the program, participants view orientation videos prepared by the Center on such topics as civil case management, jury trial administration, and evidence rules. These videos provide all judges a common introduction to each subject and are a starting point for group discussions led by the mentor judges. The discussion sessions are informal and unstructured, enabling participants to ask questions that reflect their interests and needs. A visit to a federal prison is also part of orientation for new district judges, providing them an opportunity to view firsthand the conditions that defendants they sentence will confront.

The second phase of the orientation, which takes place at the Center in the Thurgood Marshall Federal Judiciary Building in Washington, D.C., brings together two or three groups from the earlier orientation programs. Over the course of a week, sessions are held on subjects such as civil rights litigation, employment discrimination, case management, relations with the media, and ethics. Orientation programs for appellate judges have a similar structure but different content.

Continuing judicial education

Among the Center's continuing education programs for judges are specialized workshops in such areas as intellectual property, employment law, environmental law, and law and technology, as well as a skills-based program in mediation. These two- to three-day seminars for district and appellate judges, bankruptcy judges, and magistrate judges are presented at locations around the country, often in cooperation with other institutions such as law schools. An additional series of annual national and

regional workshops covers a range of legal topics and judicial skills, including recent decisions by the U.S. Supreme Court, new developments in the law, ethics, use of technology, legal history, and law and literature.

The Center also develops programs for chief judges (who have responsibility for administration within their circuits or districts) on leadership and management skills, as well as special workshops on teamwork for chief judges and their chief court administrators.

Distance education

In addition to in-person educational workshops and conferences, the Center provides information to judges through distance education via publications, video, and web-based materials. The Center develops practical guides, short monographs on substantive law, pamphlets on opinion writing, and reference manuals. In some cases, advisory groups of judges provide comments during the planning and drafting process of these materials.

The *Benchbook for U.S. District Court Judges* is a guide to conducting the pretrial and trial phases of litigation, such as criminal arraignments, jury selection, and motion practice. *Guide to Judicial Management of Cases in Alternative Dispute Resolution* (ADR) discusses case referral, ADR methods, and issues that may develop during court-annexed ADR. *Reference Manual on Scientific Evidence* helps judges understand scientific and technological topics on which experts testify in federal court litigation: statistics, medical testimony, and DNA evidence, among others.

Many of the Center's offerings for judges, including the three just cited, are available on its website on the nonpublic federal court intranet, through which court employees can access Center publications, videos, program materials, and other educational materials. Numerous Center publications and resources are also available to the public on the Center's non-restricted site, www.fjc.gov

Evaluation of Center educational programs

At the close of each live program (in-person and electronic), the Center gives participants evaluation forms to assess the effectiveness of the program, written materials, and speakers. Participants are asked whether the program is likely to help them perform their jobs and are invited to provide feedback regarding the program's scope and content. The Center uses this information in planning future programs. The Center does not administer examinations to judges or otherwise attempt to monitor their performance as a means of evaluating the effectiveness of its programs.

Participation by judges of other countries

When appropriate, the Center may allow judges of other countries to observe its educational programs, space permitting. Foreign judges are not asked to pay tuition but must finance and arrange for their

travel, hotel, and meals. Center programs do not review basic elements of particular fields of law; they address emerging trends and issues likely to pose problems for U.S. judges. For this reason, they are often of limited utility to foreign observers, other than to serve as an example of educational techniques and program design.

Training for Federal Court Employees

The Center develops programs and materials for court administrators, probation officers, pretrial services officers, and other court staff. In addition to orientation programs for some new court employees, the Center offers programs teaching management techniques and specific job skills. Unlike its programs for judges, most Center programs for court employees are delivered through distance education.

The Center often uses a multimedia approach for staff training, developing a video program and accompanying written materials, followed by a web-based or video conference allowing court employees to explore issues in greater depth with an instructor. Center education specialists, many of whom have advanced degrees in education or law, develop these programs working closely with advisory committees. Program design follows a curriculum development model stressing needs assessment, collaboration with subject-matter experts, and a pilot phase to test effectiveness. The Center often delivers staff training in collaboration with the Administrative Office. Importantly, a number of federal courts have developed extensive local training programs, often coordinated by an "in-court training specialist" (usually a staff person responsible for training, among other duties), which the Center supports with train-the-trainer workshops and curricula and training materials such as instructor and participant guides and audiovisual aides.

The Center also offers video programs and web-based seminars for court employees. Video programs—streamed online or available as DVDs—provide valuable information about strategies for meeting job responsibilities and learning about new developments in court practice. *Assessing Training Needs: Designing Surveys that Work* is an example of a video program for court employees, in this case, staff who design education programs. Another example, the long-running *Court to Court* series, profiles federal courts around the country, examining "best practices" in a range of administrative issues. Other programs have addressed developments in courtroom technology, professional ethics, and strategies for supervising employees.

The Center's online tutorials on the federal bankruptcy rules and the *Code of Conduct* enable court staff to educate themselves in these important areas at their own pace. Likewise, Center-facilitated web-based conferences and information exchange sites enable court employees around the country to discuss selected management topics and share court manuals and other documents.

Research

The Center conducts empirical and exploratory research into different aspects of judicial practice, court administration, and criminal sentencing. The Research Division, staffed by professionals with interdisciplinary training in the law and social sciences, undertakes most of its projects at the request of committees of the Judicial Conference of the United States.

Center research studies generate objective information to help the Judicial Conference develop recommendations for the number of new judgeships, measure the impact of innovations in case management, and assess the need for amendments to the rules of procedure. Center studies also help judges identify effective practices in court administration and the conduct of cases. The Center does not advocate a particular course of action or reform initiative. Its research projects have, to give a few examples, examined the uses of courtroom technology to present evidence and its possible effects on the fact-finding process, evaluated digital audio recording technology for generating transcripts of court proceedings, reviewed alternative dispute resolution practices, and studied changes in rules governing class action litigation.

Studying the History of the Federal Courts

Part of the Center's mandate is to conduct research on the history of the judicial branch. This is the job of the Federal Judicial History Office. The office's online reference source for judicial history features a biographical directory of all life-tenured federal judges, legislative histories of all federal courts, quantities of historical documents and notes, and reference guides to judicial history. The office also develops educational materials to encourage the study of the history of the federal judiciary, and it supports historical programs in individual federal courts.

International Programs

The Center's International Judicial Relations Office coordinates informational briefings for visiting foreign delegations and provides materials about the U.S. judicial system and the work of the Center. At the invitation of foreign judiciaries or development organizations, the Center has prepared seminars on such topics as judicial branch education, court administration, case management, alternative dispute resolution, and judicial ethics. Center staff have visited foreign courts and judicial training centers to provide technical assistance. The Visiting Foreign Judicial Fellows Program provides an opportunity for foreign judges, court officials, and scholars to conduct research at the Center and examine a topic related to judicial administration, often with the assistance of Center staff.

Travel and other direct costs of foreign judicial education programs, including the Visiting Fellows Program, are funded by outside sources.

To Learn More About the Federal Judicial Center

More detailed information about the Center can be found at www.fjc.gov. The site contains the results of selected research projects on federal court operations, procedures, and history. In addition, many Center publications can be downloaded from this site.

To arrange a visit to the Federal Judicial Center or request information about Federal Judicial Center materials, contact:

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