

Programs &
Materials for
New District
Judges

•
2004

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Federal Judicial Center

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This Federal Judicial Center Publication was undertaken in furtherance of the Center's statutory mission to develop and conduct education programs for judicial branch employees. The views expressed are those of the author and not necessarily those of the Federal Judicial Center.

Introduction

This pamphlet describes programs and materials for new district judges that supplement the orientation programs offered by the Federal Judicial Center (i.e., the initial seminar for small groups of judges near the beginning of a judge's tenure, and the one-week Washington seminar during the judge's first year on the bench), as well as programs that the Administrative Office offers to acquaint new judges with its services.

The pamphlet is in two parts. Part I describes programs that some courts have for new judges. It presents a range of approaches to creating such programs and suggests relevant considerations with respect to each. Part II is an outline of subjects that are common sources of problems. It serves as a guide to a new judge seeking assistance. It is annotated with references to written, audiovisual, and Web-based materials available from the Center, the Administrative Office, and other agencies.

Mentor programs and the materials listed in this pamphlet can demystify those parts of the work that may be foreign to the new judge's experience. They can provide

- quick access to help when and where the judge needs it;
- an opportunity to ask questions (including questions the judge might hesitate to ask in a group setting); and
- an opportunity to observe and discuss live proceedings.

Part I: Court-Based Mentor Programs

Court-based mentor programs supplement existing orientation programs by providing new judges with an opportunity to watch experienced home-court colleagues in action, to ask questions, and to learn about important features of the work, practices, and policies of the court. The programs help new judges avoid potential pitfalls, identify options, and learn how some judges in the district handle particular tasks and why they do things the way they do.

Some courts have such mentor programs. Courts that do not have mentor programs may want to consider fashioning such programs in light of the suggestions that follow, the experiences of other courts, and their own particular situation. Those courts that now have mentor programs may want to consider refining them in light of the following suggestions:

- The program should be *offered* to new judges as a recommended option. Making the program mandatory may set the wrong tone.
- The program should be available early, if possible before the judge becomes immersed in his or her caseload.
- To suit local needs and circumstances, planning and implementation of each program should be in the hands of the court, under the direction of the chief judge, a committee of judges, or a judge designated by the chief judge.
- The court may wish to designate a standing mentor judge or panel of judges, or make ad hoc assignments as the need arises. In selecting the mentor judge or judges, courts typically consider these factors:
 1. the availability of judges (having more than one mentor judge exposes new judges to a variety of techniques and spreads the burden);
 2. the experience of the judges to be designated and their records and accomplishments as trial judges and case managers;
 3. the judges' ability to serve and interest in serving as mentors; and
 4. the new judges' preferences.
- Alternatively, new judges may be scheduled to spend time with and observe each of the court's judges (who want to participate). Small districts may want to make arrangements for exchanges with nearby districts to supplement their resources and broaden the exposure to different approaches.
- In any event, new judges should observe courtroom proceedings and chambers activity, including chambers conferences and interaction with chambers staff (law clerks and courtroom deputy).

- The program should provide new judges with the opportunity to observe several critical proceedings (conducted by the mentor judges or arranged through them), such as jury empanelment; civil and criminal motion calendars; Rule 16, final pretrial, and settlement conferences; suppression hearings; plea taking; and sentencing proceedings. Ideally, new judges should observe most of the important types of proceedings within their first two weeks on the bench.
- The program should give new judges a hands-on introduction to chambers organization and management, including, where feasible and appropriate, introduction to the court's computer systems (probably provided by the court's automation support staff).
- The program should introduce new judges to the various departments of the court—the magistrate judges, the bankruptcy court and its judges, the clerk's office, and the probation and pretrial services offices—and provide an opportunity to learn where they are, who they are, and what they do. The judges should also consider meeting the U.S. attorney, the U.S. marshal (for a security briefing), the federal public defender, and persons who administer any court-wide alternative dispute resolution programs. A walk-through of the various departments will help new judges familiarize themselves with each department's work.

The outline in Part II is a checklist of subjects from which the mentor program and new judge can develop a framework tailored to the new judge's needs.

Part II: Subject Outline

This outline is a checklist of subjects on which new judges most commonly need information and guidance. Its annotations provide references to available materials that bear on the particular subject. Some of these materials are included in the shipments routinely sent to newly nominated district judges by the Center and the Administrative Office, and they are so identified, and some of the video programs listed in the outline are shown to new judges at the initial orientation seminar. Other materials are available on request. Unless otherwise noted, all written and audiovisual materials listed in this outline are Federal Judicial Center products and may be ordered from the Center's Information Services Office. An order form for Center products follows this outline. Administrative Office publications are specifically identified as such. Further questions about Administrative Office publications should be directed to its Article III Judges Division at (202) 502-1860. Many of the documents cited below, as well as other relevant information for new judges, can also be found on the Center's site on the judiciary's intranet at <http://jnet.fjc.dcn> and on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Judges>. Both of these sites are accessible to federal judiciary users only.

The referenced materials are not exhaustive, nor are there materials for all subjects suggested in the outline. The Center will update the references in this outline periodically. Note, however, that this outline is a general guide and introduction, not a compendium of recent legal developments; in some respects, the law may have changed since some of the referenced material was prepared.

A. General Information for New District Judges

(The primary source of reference for general information of the type in Section A is the office of the clerk of court. The monograph *Getting Started as a Federal Judge: An Administrative Guide to Assist New Judges During Their First Year on the Bench* covers a wide range of topics important to new judges. *Getting Started* is available from the Administrative Office and on the Judges' Corner of the J-Net. For additional references, contact the Administrative Office's Article III Judges Division at (202) 502-1860.)

1. Organization of the Judicial Branch

The Judicial Conference and Its Committees (available on the J-Net at http://jnet.ao.dcn/judicial_conference)

MANUAL: *Judges Manual*, Vol. III-A (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)

MONOGRAPH: Wheeler, *A New Judge's Introduction to Federal Judicial Administration* [2003, 20 pp.]*

WEB SITE: *Inside the Federal Courts* (available on the Center's site on the courts' intranet at <http://jnet.fjc.dcn>)

VIDEO: *A Word of Welcome to the Federal Judicial System* [1716-V/04 (1999) (11 mins.)]

VIDEO: *An Introduction to the Federal Courts* (a multipart orientation program about federal court case processing for new clerk's office employees that is also helpful to new judges) [1832-V/91 (1991) (29 mins.)]

2. Compensation and Benefits

Life and health insurance, survivor benefits, etc.

MONOGRAPH: *Senior Status and Retirement for Article III Judges, Judges Information Series* (available from the Administrative Office)

MANUAL: *Judges Manual*, Vol. III-C, Ch. 1 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)

3. Administrative Procedures

Travel, reimbursement, etc.

MANUAL: *Judges Manual*, Vol. III-C, Ch. 5 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)

4. Ethics and Judicial Conduct

a. Codes of conduct—conflicts, relations with former firm or office, judicial conduct and ethical obligations, recusal

MANUAL: *Guide to Judiciary Policies and Procedures*, Vol. II, Ch. 1 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)

MANUAL: *Judges Manual*, Vol. III-C, Ch. 2 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)

*Automatically sent to newly nominated district judges.

- VIDEO: *Preserving the Trust: Ethics and Federal Judges* [4450-V/03 (2003) (24 mins.)]
 AUDIO: *Ethics in the Federal Judiciary* [4604-A/04 (2004) (1 tape)]
- b. Ethics legislation and regulations
 MANUAL: *Guide to Judiciary Policies and Procedures*, Vol. II, Ch. 6 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)
 MANUAL: *Judges Manual*, Vol. III-C, Ch. 2 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)
- c. Financial reporting
 MANUAL: *Guide to Judiciary Policies and Procedures*, Vol. II, Ch. 6 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)
 MANUAL: *Judges Manual*, Vol. III-C, Ch. 2 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)
 VIDEO: *The Judicial Conference Committee on Financial Disclosure: An Overview of Responsibilities* [4364-V/02 (2002) (8 mins.)]
 AUDIO: *Financial Disclosures* [4588-A/04 (2004) (1 tape)]
 Forms, instructions and computer programs are sent annually to all judges by the Administrative Office and are also available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Judges/Disclosure.html>.
5. Security (including ensuring the privacy and safety of the judge and the judge's family)
 MANUAL: *Judges Manual*, Vol. III-C, Ch. 6 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)
 VIDEO: *Judicial Security* [18 mins.] (available from the U.S. Marshal's Office)
 AUDIO: *Security at Home and at Work* [2902-A/95 (1995) (1 tape)]
 AUDIO: *Update on Security After Oklahoma City* [3098-A/96 (1996) (1 tape)]
 AUDIO: *Security Issues for Judges: An Update on Threat Management and Risk Assessment* [3858-A/99 (1999) (1 tape)]
 WEB SITE: *Court Security* (available on the J-Net at http://jnet.ao.dcn/Court_Security)
6. Media Relations
 AUDIO: *Media Relations* [4496-A/03 (2003) (1 tape)]

B. Setting Up Chambers

1. Arrangements for Induction Ceremony
2. Personnel
 - a. Secretaries

*Automatically sent to newly nominated district judges.

MANUAL: *Chambers Handbook for Judges' Law Clerks and Secretaries* [1994, 184 pp.]*
MANUAL: *Judges Manual*, Vol. III-D, Ch. 1 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)
VIDEO: *Court Officers and Support Personnel: Resources for the District Judge* [1723-V/96 (1996) (30 mins.)]

b. Law clerks

GUIDE: *Conducting Job Interviews: A Guide for Federal Judges* [1999, 29 pp.]*
MANUAL: *Chambers Handbook for Judges' Law Clerks and Secretaries* [1994, 184 pp.]*
VIDEO: *Court Officers and Support Personnel: Resources for the District Judge* [1723-V/96 (1996) (30 mins.)]

3. Space and Facilities

a. Procurement (library, furniture, etc.)

MANUAL: *Judges Manual*, Vol. III-D, Ch. 2 (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)

b. Chambers automation

MANUAL: *Civil Litigation Management Manual* at 131-32 [2001, 463 pp.]*
WEB SITE: *Automation* (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Judges/Automation.html>)

4. Managing the Paper Flow

Filing systems, file and document retention, etc.

MANUAL: *A Guide to the Preservation of Federal Judges' Papers* [1996, 83 pp.]*

C. Components of the District Court

1. Bankruptcy Court

MANUAL: *Case Management Manual for United States Bankruptcy Judges* [1995, 646 pp.]*
MONOGRAPH: Warren, *Business Bankruptcy* [1993, 178 pp.]
MONOGRAPH: *Bankruptcy Basics* (2000) (available from the Administrative Office)
AUDIO: *A Review of Bankruptcy Jurisdiction* [4501-A/03 (2003) (1 tape)]
VIDEO: *Organization and Jurisdiction of the U.S. Bankruptcy Courts* [971-V/99 (1999) (37 mins.)]

2. Magistrate Judges—arrangement of duties and obligations

MONOGRAPH: *Inventory of United States Magistrate Judge Duties* (available from the Administrative Office)

*Automatically sent to newly nominated district judges.

MONOGRAPH: *A Constitutional Analysis of Magistrate Judge Authority* [1993] (available from the Administrative Office)

MONOGRAPH: *A Guide to the Legislative History of Federal Magistrate Judges System* [1995] (available from the Administrative Office)

VIDEO: *Criminal Litigation Before Magistrate Judges—Part I: Complaints, Search Warrants, and Arrest Warrants* [2107-V/93 (1993) (45 mins.)]

VIDEO: *Criminal Litigation Before Magistrate Judges—Part II: Pretrial Services, Appointment of Counsel, Initial Appearance, Preliminary Examination, Pretrial Release, and Detention and Removal* [2108-V/93 (1993) (60 mins.)]

VIDEO: *Criminal Litigation Before Magistrate Judges—Part IV: Misdemeanors, Guilty Pleas, Sentencing, Revocation of Probation and Supervised Release* [2110-V/93 (1993) (34 mins.)]

VIDEO: *Central Violations Bureau: How it Helps Magistrate Judges Process Petty Offenses* [2109-V/96 (1996) (29 mins.)]

VIDEO: *The Role of the U.S. Magistrate Judge* [2461-V/98 (1998) (21 mins.)]

AUDIO: *Magistrate Judge Authority and Utilization* [4603-A/04 (2004) (1 tape)]

3. Clerk's Office

Court assignment plan, courtroom deputies, court reporters

MANUAL: *District Court Clerks Manual* (Vol. IV of the *Guide to Judiciary Policies and Procedures*) (describes duties of district court clerk) (available on the Judges' Corner of the J-Net at <http://jnet.ao.dcn/Guide>)

VIDEO: *Perspectives on the Role of the Courtroom Deputy in the District Courts* [2069-V/92 (1992) (30 mins.)]

VIDEO: *Taking the Interpreter's Oath to Heart* [3910-V/99 (1999) (29 mins.)]

4. Probation and Pretrial Services

VIDEO: *Federal Probation and Pretrial Services Officers: Who • What • Why* [3271-V/96 (1996) (30 mins.)]

AUDIO: *Pretrial Services and Detention Issues* [4247-A/01 (2001) (1 tape)]

WEB SITE: *Probation and Pretrial Services* (available on the J-Net at http://jnet.ao.dcn/Probation_and_Pretrial_Services)

5. Marshal's Office

VIDEO: *Judicial Security* [18 mins.] (available from the U.S. Marshal's Office)

WEB SITE: *Court Security* (available on the J-Net at http://jnet.ao.dcn/Court_Security)

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D. The Civil Litigation Process

1. General Introduction to the Process

VIDEO: *How Civil Cases Move Through the District Courts* [2784-V/95 (3 hrs. 40 mins.)] (an orientation program for new clerk's office employees that is also helpful to judges without experience in civil cases) (available on the Center's site on the courts' intranet at <http://jnet.fjc.dcn>)

WEB SITE: *Inside the Federal Courts* (available on the Center's site on the courts' intranet at <http://jnet.fjc.dcn>)

2. Maintaining and Managing the Civil Calendar

MANUAL: *Civil Litigation Management Manual* at 23-25 [2001, 463 pp.]*

3. Civil Case Management (including appropriate treatment of reassigned cases and newly assigned cases)

a. General

MANUAL: *Civil Litigation Management Manual* [2001, 463 pp.]*

VIDEO: *Case Management and Civil Pretrial Procedure* [1717-V/98 (1998) (33 mins.)]

AUDIO: *Civil Case Management: Panel Discussion* [3801-A/99 (1999) (2 tapes)]

AUDIO: *Thoughts on Avoiding Reversible Error* [3293-A/96 (1996) (1 tape)]

b. Determining subject-matter jurisdiction

VIDEO: *Subject-Matter Jurisdiction: An Overview for Law Clerks* [3994-V/00 (2000) (1 hr.)]

VIDEO: *Removal Jurisdiction: Hot Topics* [3957-V/00 (2000) (56 mins.)]

AUDIO: *Federal Jurisdiction* [4605-A/04 (2004) (3 tapes)]

c. Scheduling

MANUAL: *Civil Litigation Management Manual* at 23-25 [2001, 463 pp.]*

AUDIO: *Scheduling: Panel Discussion* [3602-A/98 (1998) (1 tape)]

d. Conducting Rule 16 conferences

MANUAL: *Civil Litigation Management Manual* at 9, 11-23, 43-47 [2001, 463 pp.]*

VIDEO: *Case Management and Civil Pretrial Procedure* [1717-V/98 (1998) (33 mins.)]

AUDIO: *Civil Case Management: Panel Discussion* [3801-A/99 (1999) (2 tapes)]

e. Alternative dispute resolution procedures

MANUAL: *Guide to Judicial Management of Cases in ADR* [2001, 193 pp.]*

MANUAL: *Judge's Deskbook on Court ADR* [1993, 101 pp.]

VIDEO: *Mediation and Case Management: Do's and Don'ts on the Way to Successful Mediation* [4492-V/03 (2003) (1 hr., 29 mins.)]

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- f. Discovery management and control
 - MANUAL: *Civil Litigation Management Manual* at 27–41 [2001, 463 pp.]*
 - WEB SITE: *Materials on Electronic Discovery* (available on the Center's site on the courts' intranet at <http://jnet.fjc.dcn>)
 - VIDEO: *Case Management and Civil Pretrial Procedure* [1717-V/98 (1998) (33 mins.)]
 - AUDIO: *Electronic Documents: New Challenges for District Judges in Civil Discovery and Case Management* [3885-A/99 (1999) (1 tape)]
- g. Motions
 - Management, hearings, and decisions
 - MANUAL: *Civil Litigation Management Manual* at 43-56 [2001, 463 pp.]*
 - VIDEO: *Case Management and Civil Pretrial Procedure* [1717-V/98 (1998) (33 mins.)]
 - AUDIO: *Management of Civil Case Motion Practice* [4256-A/01 (2001) (1 tape)]
 - Summary judgment, etc.
 - MONOGRAPH: Schwarzer, Hirsch & Barrans, *The Analysis and Decision of Summary Judgment Motions* [1991, 98 pp.]
 - AUDIO: *Pretrial Resolution of Cases by Dispositive Motions* [3106-A/96 (1996) (1 tape)]
- h. Settlement
 - MANUAL: *Civil Litigation Management Manual* at 57-65 (2001, 463 pp.)*
 - VIDEO: *Communications Between Judges, Settlement Judges, and Mediators: What's OK, What's Off Limits* [4308-V/02 (2002) (1 hr., 59 mins.)]
 - AUDIO: *Settlement Conference Techniques and ADR in Federal Courts* [3111-A/96 (1996) (1 tape)]
- i. Final pretrial conferences
 - MANUAL: *Civil Litigation Management Manual* at 77-85 [2001, 463 pp.]*
- j. Rules of evidence
 - MONOGRAPH: Capra, *Advisory Committee Notes to the Federal Rules of Evidence That May Require Clarification* [1998, 48 pp.]
 - VIDEO: *Overview of the Federal Rules of Evidence* [1722-V/93 (1993) (154 mins.)]
 - AUDIO: *Overview of Evidence Issues* [3917-A/99 (1999) (1 tape)]
 - AUDIO: *Evidence: A Discussion of Some of the Key Challenges Facing the Trial Courts* [3846-A/99 (1999) (1 tape)]

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4. Special Proceedings
 - a. Temporary restraining orders and injunctions—procedure and standards

MANUAL: *Benchbook for U.S. District Court Judges* § 7.03 [4th ed., 2000 rev., 244 pp.]*
 - b. Habeas corpus petitions

VIDEO: *Capital Case Issues Update* [3982-V/00 (2000) (1 hr. 20 mins.)]
 AUDIO: *Federal Habeas Corpus Relief for State and Federal Prisoners* [4611-A/04 (2004) (2 tapes)]
 WEB SITE: *Resources for Managing Capital Cases* (available on the Center's site on the courts' intranet at <http://jnet.fjc.dcn>)
 - c. Pro se litigation and appointment of counsel

MANUAL: *Civil Litigation Management Manual* at 106-113 [2001, 463 pp.]*
 MANUAL: *Resource Guide for Managing Prisoner Civil Rights Litigation* [1996, 172 pp.]
 VIDEO: *Prison Litigation Reform Act* [3894-V/99 (1999) (2 hrs., 7 mins.)]
 - d. Social Security cases

AUDIO: *Overview of Social Security Issues* [4076-A/00 (2000) (1 tape)]
 VIDEO: *Social Security: Process and Problems* [3965-V/00 (2000) (1 hr., 43 mins.)]
 - e. Sanctions

MANUAL: *Civil Litigation Management Manual* at 53-56 [2001, 463 pp.]*
 MONOGRAPH: Shapard, et al., *Report of a Survey Concerning Rule 11, Federal Rules of Civil Procedure* [1995, 15 pp.]
 - f. Contempt, civil/criminal

MANUAL: *Benchbook for U.S. District Court Judges* § 7.01 (criminal), § 7.02 (civil) [4th ed., 2000 rev., 244 pp.]*
 MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* at 51-72 [5th ed. 2001, 178 pp.]*
 AUDIO: *Use of Contempt and Other Sanctions* [2914-A/95 (1995) (1 tape)]
 - g. Attorneys' fees awards

MONOGRAPH: Hirsch & Sheehey, *Awarding Attorneys' Fees and Managing Fee Litigation* [1994, 167 pp. (2d ed. forthcoming in 2004)]*
 - h. Recusal motions

MONOGRAPH: Hirsch & Loveland, *Recusal: Analysis of Case Law Under 28 U.S.C. §§ 455 & 144* [2002, 86 pp.]
 AUDIO: *Ethics in the Federal Judiciary: Subjects of Particular Concern for New Judges, Including Recusal* [4604-A/04 (2004) (1 tape)]

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- i. Naturalization
 - MANUAL: *Benchbook for U.S. District Court Judges* § 7.06 [4th ed., 2000 rev., 244 pp.]*
 - j. Bankruptcy appeals
 - ARTICLE: McKenna & Wiggins, *Alternative Structures for Bankruptcy Appeals*, 76 Am. Bankr. L.J. 625 [2002, 81 pp. (updated version of 2000 FJC Report)]
 - AUDIO: *Review of Bankruptcy Jurisdiction* [4501-A/03 (2003) (1 tape)]
 - VIDEO: *Organization and Jurisdiction of the U.S. Bankruptcy Courts* [971-V/99 (1999) (37 mins.)]
5. Jury Trials
- a. Jury selection, voir dire, management
 - MANUAL: *Benchbook for U.S. District Court Judges* §§ 6.03, 6.04 [4th ed., 2000 rev., 244 pp.]*
 - MANUAL: Bermant, *Jury Selection Procedures in U.S. District Courts* [1982, 60 pp.]*
 - VIDEO: *The Civil Trial* [1718-V/98 (1998) (46 mins.)]
 - VIDEO: *Administration of the Jury System and Selection of a Jury* [2892-V/95 (1995) (29 mins.)]
 - VIDEO: *Called to Serve* (orientation video for prospective jurors—judges should check their district’s policy, if any, on its use) [2980-V/95 (1995) (19 mins.)]
 - b. Jury instructions and verdict forms
 - MANUAL: *Benchbook for U.S. District Court Judges* §§ 6.05, 6.06, 6.07 [4th ed., 2000 rev., 244 pp.]*
 - Circuit manual on model / pattern jury instructions (where available)
 - VIDEO: *The Civil Trial* [1718-V/98 (1998) (46 mins.)]
 - VIDEO: *Administration of the Jury System and Selection of a Jury* [2892-V/95 (1995) (29 mins.)]
 - AUDIO: *Jury Instructions/Innovative Jury Techniques* [4085-A/00 (2000) (1 tape)]
 - c. Trial management
 - MANUAL: *Civil Litigation Management Manual* at 86-90, 97-98, 136-38 [2001, 463 pp.]*
 - MANUAL: *Benchbook for U.S. District Court Judges* § 6.01 [4th ed., 2000 rev., 244 pp.]*
 - Inventory of United States Magistrate Judge Duties* (available from the Administrative Office)
 - VIDEO: *The Civil Trial* [1718-V/98 (1998) (46 mins.)]
 - AUDIO: *Managing the Trial in Progress* [3604-A/98 (1998) (1 tape)]
 - d. Courtroom technology
 - MANUAL: *Effective Use of Courtroom Technology: A Judge’s Guide to Pretrial and Trial* [2001, 358 pp.]*
 - MANUAL: *Civil Litigation Management Manual* at 136-138 [2001, 463 pp.]*

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6. Bench Trials
 MANUAL: *Civil Litigation Management Manual* at 88-90 [2001, 463 pp.]*
 MANUAL: *Benchbook for U.S. District Court Judges* § 6.02 [4th ed., 2000 rev., 256 pp.]*
 AUDIO: *Efficient Management of Bench Trials* [3605-A/98 (1998) (1 tape)]
7. Handling Unusual or Complex Cases
- a. Complex and class actions
 MANUAL: *Manual for Complex Litigation, Fourth* [2004, 798 pp.]*
 MANUAL: *Reference Manual on Scientific Evidence, Second Edition* [2d ed. 2000, 634 pp.]*
 MONOGRAPH: Willging, Hooper & Niemic, *An Empirical Study of Class Actions in Four Federal District Courts: Final Report to the Advisory Committee on Civil Rules* [1996, 200 pp.]
 WEB SITE: *Class Action Notices* (available on the Center's site on the courts' intranet at <http://jnet.fjc.dcn>)
 AUDIO: *Management of a Complex Civil Case* [1845-A/91 (1991) (1 tape)]
 AUDIO: *Managing Class Action/Mass Tort Cases—Panel Discussion* [4469-A/03 (2003) (1 tape)]
- b. Patent/copyright/trademark litigation
 MONOGRAPH: Schwartz, *Patent Law and Practice, 4th ed.* [2004, 314 pp.] (available on the Center's site on the courts' intranet at <http://jnet.fjc.dcn>)
 MONOGRAPH: Gorman, *Copyright Law* [1991, 156 pp. (2d ed. forthcoming in 2004)]
 VIDEO: *An Introduction to the Patent System* [4342-V/02 (2002) (17 mins.)]
 VIDEO: *Science in the Courtroom Program 3: Markman Issues in Biotech Patent Cases* [4048-V/01 (2001) (58 mins.)]
 AUDIO: *Developments in Copyright and Trademark Law* [4616-A/04 (2004) (1 tape)]
 AUDIO: *Developments in Patent Law* [4614-A/04 (2004) (1 tape)]
 AUDIO: *Intellectual Property—Patent Cases* [4610-A/04 (2004) (1 tape)]
 AUDIO: *Emerging Issues in Intellectual Property Litigation* [4470-A/03 (2003) (1 tape)]
 AUDIO: *Intellectual Property* [4459-A/03 (2003) (1 tape)]
 AUDIO: *Intellectual Property and the Challenges Posed by New Technology* [3888-A/99 (1999) (1 tape)]
 AUDIO: *Issues Relating to Jury Trials Involving Intellectual Property Rights* [2434-A/93 (1993) (2 tapes)]

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- c. Section 1983 litigation
 - MONOGRAPH: Blum & Urbonya, *Section 1983 Litigation* [1998, 127 pp.]
 - MANUAL: *Resource Guide for Managing Prisoner Civil Rights Litigation* [1996, 172 pp.]*
 - AUDIO: *Section 1983* [4615-A/04 (2004) (1 tape)]
 - AUDIO: *The Section 1983 Prima Facie Case and Due Process* [4607-A/04 (2004) (2 tapes)]
- d. Employment discrimination litigation
 - MONOGRAPH: Rutherglen, *Major Issues in the Federal Law of Employment Discrimination* [3d ed. 1996, 157 pp. (4th ed. forthcoming in 2004)]
 - VIDEO: *Basics of Employment Discrimination Law for Law Clerks* [4260-V/03 (2003) (57 mins.)]
 - AUDIO: *Overview of Employment Discrimination Litigation Issues* [4601-A/04 (2004) (1 tape)]
- e. Antitrust litigation
 - VIDEO: *The Architecture of Antitrust* [3895-V/99 (1999) (1 hr., 13 mins.)]
 - AUDIO: *Antitrust and Intellectual Property in the Information Age* [4106-A/00 (2000) (1 tape)]
- f. State-federal judicial relations
 - MANUAL: Apple, Hannaford & Munsterman, *Manual for Cooperation Between State and Federal Courts* [1997, 248 pp.]
- 8. Judicial Writing
 - MANUAL: *Judicial Writing Manual* [1991, 41 pp.]*
 - AUDIO: *Opinions: Effective Writing, Efficient Editing* [4139-A/00 (2000) (1 tape)]

E. The Criminal Litigation Process

- 1. General Introduction to the Process
 - MANUAL: *Legal Manual, Magistrate Judges* (available from the Administrative Office)
 - MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* [5th ed. 2001, 178 pp.]*
 - VIDEO: *How Criminal Cases Move Through the District Courts* (an orientation program for new clerk's office employees that is also helpful to judges without experience in criminal cases) [1618-V/98 (1998) (3 hrs., 45 mins.)]
 - WEB SITE: *Inside the Federal Courts* (available on the Center's site on the courts' intranet at <http://jnet.fjc.dcn>)

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2. Arraignment
 - MANUAL: *Benchbook for U.S. District Court Judges* § 1.07 [4th ed., 2000 rev., 244 pp.]*
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
 - VIDEO: *Criminal Litigation Before Magistrate Judges-Part II: Pretrial Services, Appointment of Counsel, Initial Appearance, Preliminary Examination, Pretrial Release, and Detention and Removal* [2108-V/93 (1993) (60 mins.)]
 - AUDIO: *The Criminal Process: Panel Discussion* [3803-A/99 (1999) (2 tapes)]
3. Pretrial Release/Detention/Bail
 - MANUAL: *Benchbook for U.S. District Court Judges* §1.03 [4th ed., 2000 rev., 244 pp.]*
 - MONOGRAPH: *The Bail Reform Act of 1984* [2d ed. 1993, 82 pp.]
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
 - AUDIO: *Overview of 4th Amendment Issues* [3915-A/99 (1999) (1 tape)]
 - AUDIO: *Criminal Pretrial* [3608-A/98 (1998) (1 tape)]
 - AUDIO: *Pretrial Services and Detention Issues* [4247-A/01 (2001) (1 tape)]
4. Counsel
 - a. Criminal Justice Act—appointment of counsel, federal and community defender, and panel counsel
 - MANUAL: *Benchbook for U.S. District Court Judges* § 1.02 [4th ed., 2000 rev., 244 pp.]*
 - AUDIO: *Special Defense Requests and Counsel Issues* [3607-A/98 (1998) (1 tape)]
 - b. Conflicts
 - MANUAL: *Benchbook for U.S. District Court Judges* §1.08 [4th ed., 2000 rev., 244 pp.]*
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
 - c. Waiver and advisory counsel
 - MANUAL: *Benchbook for U.S. District Court Judges* §§ 1.02, 1.08 [4th ed., 2000 rev., 244 pp.]*
 - MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* at 1–7 [5th ed. 2001, 178 pp.]
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
5. Competency Hearings
 - MANUAL: *Benchbook for U.S. District Court Judges* § 1.12 [4th ed., 2000 rev., 244 pp.]*
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
6. Motions—Motions to Suppress, Motions in Limine, etc.
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
 - AUDIO: *Overview of 4th Amendment Issues* [3915-A/99 (1999) (1 tape)]

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7. Guilty Pleas and Plea Bargains
 - a. Rule 11 procedure

MANUAL: *Benchbook for U.S. District Court Judges* §§ 2.01, 2.02 [4th ed., 2000 rev., 244 pp.] (contains outline for plea taking colloquy)*

VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
 - b. Guideline problems

AUDIO: *Guideline Sentencing: Impact on Guilty Pleas* [2635-A/94 (1994) (1 tape)]
8. Criminal Pretrial Conferences

VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]

AUDIO: *Criminal Process: Criminal Pretrial* [3296-A/96 (1996) (1 tape)]

AUDIO: *Criminal Process: General Discussion with Audience Participation* [3298-A/96 (1996) (1 tape)]
9. Trial
 - a. Generally

MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* [5th ed. 2001, 178 pp.]*

MANUAL: *Benchbook for U.S. District Court Judges* §§ 2.03–2.11, 5.01–5.05 [4th ed., 2000 rev., 244 pp.]*

VIDEO: *Criminal Trial Procedures* [1721-V/92 (1992) (60 mins.)]

AUDIO: *The Criminal Process: Panel Discussion* [3803-A/99 (1999) (2 tapes)]

AUDIO: *Special Trial Problems* (panel discussion) [3609-A/98 (1998) (1 tape)]
 - b. Jury selection, voir dire, and juror challenges

MANUAL: *Benchbook for U.S. District Court Judges* §§ 2.05, 2.06 [4th ed., 2000 rev., 244 pp.]*

MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* at 12–19 [5th ed. 2001, 178 pp.]*

MONOGRAPH: Bermant, *Jury Selection Procedures in U.S. District Courts* [1982, 60 pp.]*

VIDEO: *Administration of the Jury System and Selection of a Jury* [2892-V/95 (1995) (29 mins.)]

VIDEO: *Called to Serve* (orientation video for prospective jurors—judges should check their district’s policy, if any, on its use) [2980-V/95 (1995) (19 mins.)]

VIDEO: *Criminal Trial Procedures* [1721-V/92 (1992) (60 mins.)]

AUDIO: *Voir Dire in the Federal Criminal Case* [1423-A/90 (1990) (1 tape)]

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- c. Jury management
 - MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* at 18–39 [5th ed. 2001, 178 pp.]*
 - VIDEO: *Criminal Trial Procedures* [1721-V/92 (1992) (60 mins.)]
 - VIDEO: *Administration of the Jury System and Selection of a Jury* [2892-V/95 (1995) (29 mins.)]
- d. Jury instructions
 - MANUAL: *Benchbook for U.S. District Court Judges* §§ 2.07, 2.08 [4th ed., 2000 rev., 244 pp.]*
 - Circuit manual on model/pattern jury instructions (where available)
- e. Courtroom technology
 - MANUAL: *Effective Use of Courtroom Technology: A Judge's Guide to Pretrial and Trial* [2001, 358 pp.]*
 - MANUAL: *Civil Litigation Management Manual* at 136-38 [2001, 463 pp.]*
- f. Closing trial
 - MANUAL: *Benchbook for U.S. District Court Judges* § 7.07 [4th ed., 2000 rev., 244 pp.]*
- g. Unruly defendants
 - MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* at 72–74 [5th ed. 2001, 178 pp.]*
 - MANUAL: *Benchbook for U.S. District Court Judges* § 5.01 [4th ed., 2000 rev., 244 pp.]*
- h. Federal death penalty cases
 - MANUAL: *Benchbook for U.S. District Court Judges* § 3.01 [4th ed., 2000 rev., 244 pp.]*
 - VIDEO: *Recurring Issues in Federal Death Penalty Cases* [3962-V/00 (2000) (3 hrs.)]
 - WEB SITE: *Resources for Managing Capital Cases* (available on the Center's site on the courts' intranet at <http://jnet.fjc.dcn>)
 - AUDIO: *The Federal Death Penalty Statute* [3567-A/98 (1998) (1 tape)]
 - AUDIO: *Handling Federal Death Penalty Cases* [3685-A/98 (1998) (1 tape)]

10. Sentencing

(An extensive collection of materials on sentencing is available on the U.S. Sentencing Commission Web site www.ussc.gov, including publications, reports to Congress, guidelines manuals and amendments, guideline training and education materials, and federal sentencing statistics.)

- a. Probation officers and presentence report
 - VIDEO: *The Presentence Process* [1121-V (1989) (34 mins.)]
 - AUDIO: *Judicial Findings and the Presentence Report* [4389-A/02 (2002) (1 tape)]

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- b. Understanding the Sentencing Guidelines
 - MONOGRAPH: *An Introduction to Federal Guideline Sentencing* [8th ed. 2004] (available from the U.S. Sentencing Commission at <http://www.ussc.gov>)
 - OUTLINE: *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues* [2002]*
 - VIDEO: *Sentencing and Guidelines: Basic Application* [4149-V/01 (2001) (1 hr., 53 mins.) (2 tapes)]
 - VIDEO: *Sentencing and Guidelines: Criminal History Issues* [4219-V/01 (2001) (58 mins.)]
 - VIDEO: *Sentencing and Guidelines: Departure Analysis* [3955-V/00 (2000) (1 hr., 58 mins.) (2 tapes)]
 - VIDEO: *Sentencing and Other Criminal Post-Trial Matters* [2783-V/95 (1995) (79 mins.)]
 - AUDIO: *Special Problems in Guideline Sentencing* [3383-A/97 (1997) (2 tapes)]
 - AUDIO: *Overview of Guideline Sentencing* [4606-A/04 (2004) (1 tape)]
 - c. Conducting sentencing hearings
 - MANUAL: *Benchbook for U.S. District Court Judges* § 4.01 [4th ed., 2000 rev., 244 pp.]*
 - d. Fashioning sentences—incarceration, fines, probation and alternatives, supervised release, restitution, etc.
 - MONOGRAPH: Meierhoefer & Hofer, *Home Confinement: An Evolving Sanction in the Federal Criminal Justice System* [1987, 75 pp.]
 - VIDEO: *Sentencing and Other Criminal Post-Trial Matters* [2783-V/95 (1995) (79 mins.)]
 - VIDEO: *Restitution: Determining Victims and Harms* [3883-V/99 (1999) (2 hr., 29 mins.)]
 - AUDIO: *PROTECT ACT: The Statement of Reasons* [4573-V/04 (2004) (1 tape)]
11. Release Pending Appeal
- MANUAL: *Benchbook for U.S. District Court Judges* § 2.11 [4th ed., 2000 rev., 244 pp.]*
 - MONOGRAPH: *The Bail Reform Act of 1984* [2d ed. 1993, 82 pp.]

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The Federal Judicial Center is the research and education agency of the federal judicial system. It was established by Congress in 1967 (28 U.S.C. §§ 620–629), on the recommendation of the Judicial Conference of the United States.

By statute, the Chief Justice of the United States chairs the Center's Board, which also includes the director of the Administrative Office of the U.S. Courts and seven judges elected by the Judicial Conference.

The Director's Office is responsible for the Center's overall management and its relations with other organizations. Its Systems Innovation & Development Office provides technical support for Center education and research. Communications Policy & Design edits, produces, and distributes all Center print and electronic publications, operates the Federal Judicial Television Network, and through the Information Services Office maintains a specialized library collection of materials on judicial administration.

The Education Division plans and produces educational programs, services, and resources for judges and for nonjudicial court personnel, such as those in clerk's offices and probation and pretrial services offices. Its products include travel-based and in-court programs that participants attend in person, Web-based programs and publications, television programs broadcast by satellite, and manuals, monographs, and other print publications.

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