



Federal Judicial Center

"to further the development and adoption of improved judicial administration" through education & research





U.S. Judicial System

- Federal
 - U.S. Constitution (Articles I & III)
 - Congress (lower courts, jurisdiction)

- States
 - 50 States (& D.C., Puerto Rico)
 - State constitutions & laws
 - Independent judicial systems

- Most U.S. law = state law
 - over 90% court cases in state courts



Jurisdiction

Federal Courts

— Limited jurisdiction —

Subject

- U.S. Constitution & laws
- Treaty
- Bankruptcy, customs, patent, admiralty, international trade

Party

- Federal gov't or state
- Ambassador or public official
- Foreign states

Diversity

- Citizens of different states & > \$75,000

State Courts

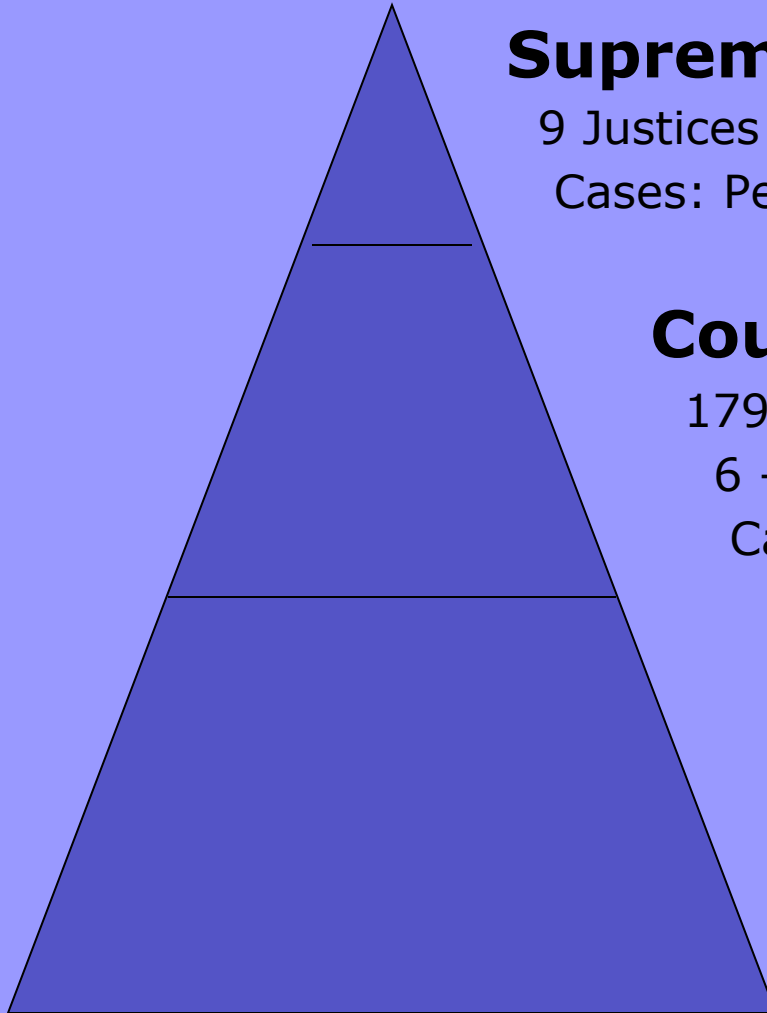
— Jurisdiction includes: —

- Contract disputes
- Domestic relations
- Personal injury
- State criminal offenses
- State constitutional claims
- Federal constitutional claims

Many states have specialized courts, including: domestic, juvenile, drug, tax, traffic



Federal Court Structure



Supreme Court

9 Justices

Cases: Petitions: 8,500; Full Review: 87

Courts of Appeals

179 Judges in 13 Circuits

6 – 28 Judges/circuit

Cases: 66,600

District Courts

678 Judges in 94 Districts

2 – 27 Judges/district

Cases: 348,000

** (2006, numbers approximate)*

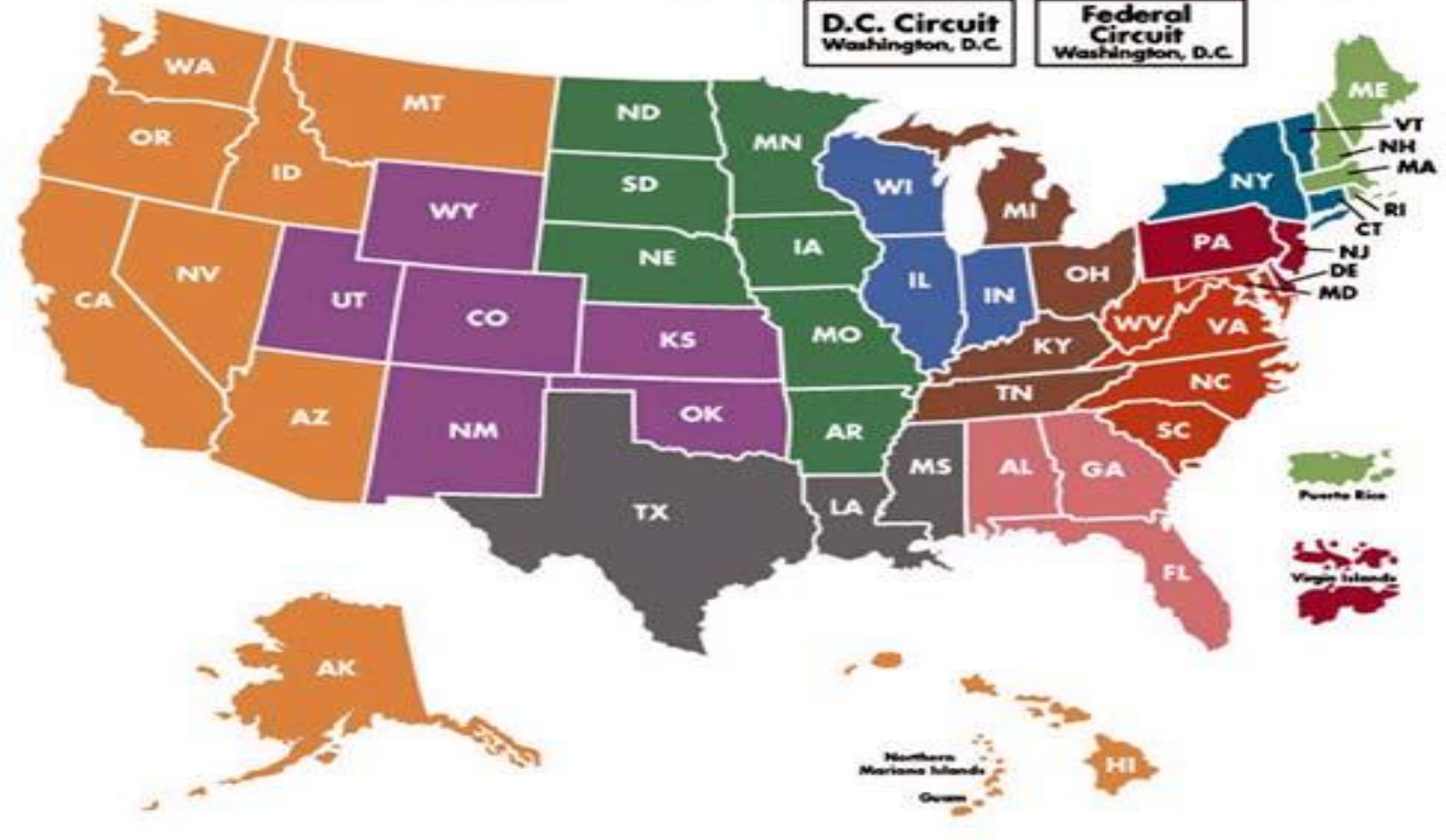


The Thirteen Federal Judicial Circuits

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11

D.C. Circuit
Washington, D.C.

Federal Circuit
Washington, D.C.





Specialized Federal Courts

- International Trade
- Federal Claims
- Bankruptcy
- Court of Appeals for Armed Forces
- Court of Appeals for Veterans Claims
- Tax Court

- Administrative Agency Tribunals
 - “Administrative Law Judge”
 - Disputes involving specific federal laws, including social security, immigration, labor



United States Supreme Court

Review discretionary.
No panels or advisory opinions.
Questions of law.

If federal question.

U.S. Courts of Appeals

3-judge panels.
Questions of law.

State Supreme Courts

Questions of law.

Intermediate Appellate

Trial Courts

U.S. District Courts
Principal 1st instance.



The Legal Profession

Legal Education

- University: 4 years, general studies
- Law School: 3 years
 - Core: civil procedure, constitutional law, criminal law, ethics, evidence, property, torts, legal writing
 - Elective: commercial law, intellectual property, labor law, health law, international law, advocacy training, etc.

“Bar” Accreditation

- Exam
- Admission to State Bar
 - Graduation from from accredited law school
 - 195 accredited law schools operating in U.S. (*4 states recognize non-accredited*)
 - Continuing Legal Education for Attorneys (*43 states require*)

Areas of Practice

- Private Sector (law firm, corporation)
- Public Sector (government, judiciary)



Judicial Office: Eligibility

- No exam
- Few formal selection criteria
- Training
 - Federal:
 - No mandatory pre-judicial training
 - Voluntary continuing judicial education
 - State:
 - Mandatory pre-judicial training: 28 states
 - Mandatory continuing judicial education: 43 states

Candidates selected from:

Experienced practitioners (government and private), state courts, lower federal courts, or academia



Judicial Selection: State

- Methods vary by state:
 - Election (31 states)
 - popular election: partisan (13) or non-partisan (18)
 - Appointment by governor
 - merit selection commissions
 - “retention” elections
 - Appointment by legislature (2 states)
- Renewable terms (range: 2 - 14 years)



Judicial Selection: Federal

Article III Judges

- Nominated by President and confirmed by Senate
 - Recommendation: legislators, others *(usually from President's political party)*
 - Investigation: White House, Justice Department, FBI
 - Nomination: Submitted by President to Senate
 - *Review: American Bar Association** *(*not legally required, non-binding)*
 - Hearing: Senate Judiciary Committee
 - Vote: Senate
- Life tenure *("during good behavior")*



Judicial Selection: Federal

Article I Judges

- **Bankruptcy**

(Jurisdiction over bankruptcy matters)

- Appointed by Courts of Appeals to renewable 14-year terms

- **Magistrate**

(Pre-trial matters, case management, mediation, some civil trials)

- Appointed by District Courts to renewable 8-year terms

- **Federal Claims**

(Monetary claims against the U.S. Government)

- Appointed by President, with Senate confirmation, to renewable 15-year terms



Federal Judges: Chief & Senior Status

- **Chief Justice**
 - Nominated by President, confirmed by Senate
 - Duties: Preside over court sessions, Judicial Conference, AO, FJC, Smithsonian, National Gallery of Art

- **Chief Judge** (*Courts of Appeals, District Courts*)
 - Assigned by seniority (*time on court*)
 - 7-year term
 - Supervises court administration
 - Delegates to Clerk of Court
 - May have reduced caseload

- **Senior Judge** (*optional*)
 - Eligibility: 65 years of age
 - Rule: when age + years of service = 80
 - Reduced case load



Number of Cases

	Federal	State
Appellate	67,000	281,000
Trial	327,000	37,700,000
Criminal	67,000	20,600,000
Civil	260,000	17,100,000
Specialized Courts	1,600,000 (mostly bankruptcy and federal claims cases)	62,500,000 (juvenile, traffic, domestic)

Administrative Office of the U.S. Courts (2005); National Center for State Courts (2004)



Number of Judges

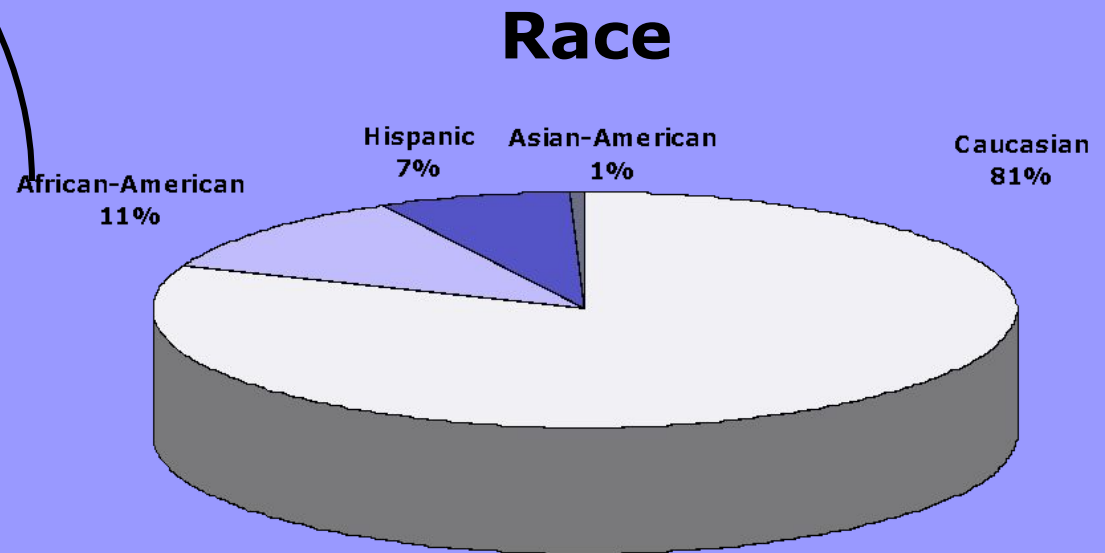
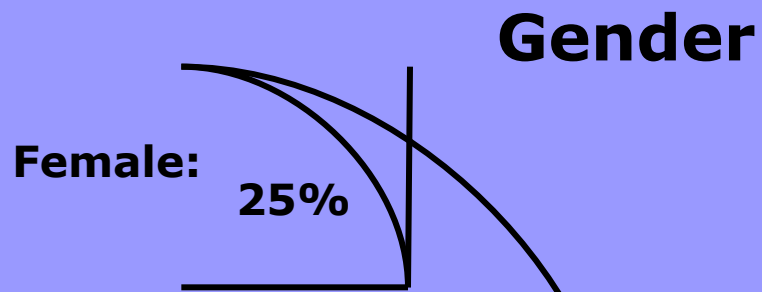
	Federal*	State
Total	1,769	30,711
Appellate (Supreme & Intermediate)	188	1,338
Trial		
General Jurisdiction	678 (District, Int'l Trade)	11,374
Limited Jurisdiction	903 (Bankruptcy, Magistrate)	17,999

*Excluding Senior Judges

Administrative Office of the U.S. Courts (2005); National Center for State Courts (2004)



Diversity in the Federal Courts



* Active Judges; FJC History Office (current through January 2007)



Court Personnel *(average size court)*

Court of Appeals

Chief Judge &
12 other
appellate judges

Central Staff
Clerk of Court
Court Staff: 69 (+/-)
Staff Attorneys: 27
Conference Attorneys: 3

Judge's Staff
Law Clerks: 3
Secretaries: 2

District Court

Chief Judge &
6 other district
judges
3 magistrate judges

Central Staff
Clerk of Court
Court Staff: 80(+/-)
Pro Se Attorneys: 4

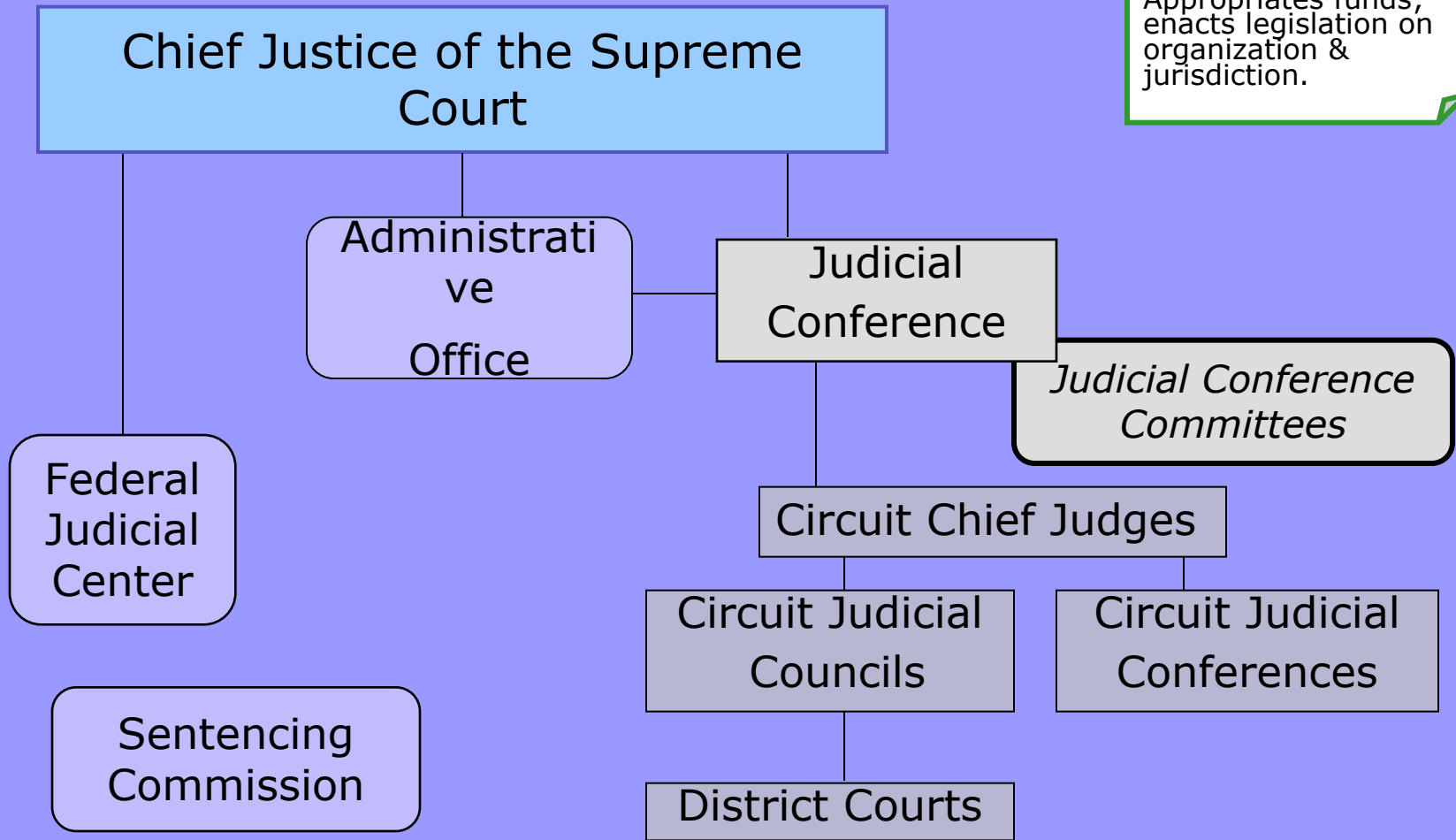
Judge's Staff
Law Clerks: 2
Secretaries: 1

Bankruptcy Court: 4 judges & staff



Federal Judicial Administration

Congress:
Appropriates funds;
enacts legislation on
organization &
jurisdiction.



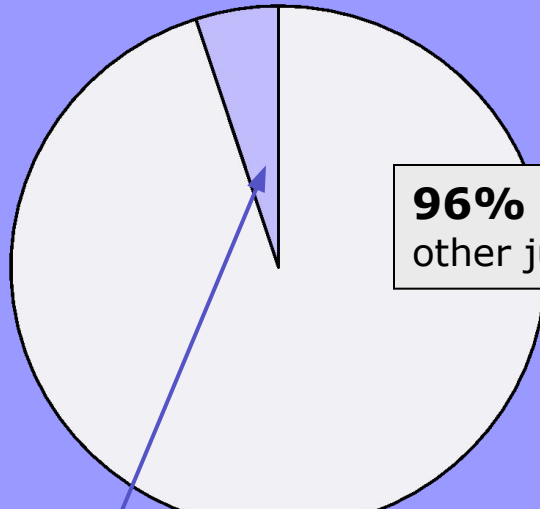


Financing the Federal Courts



Budget for the Federal Judiciary: \$5.98 billion*

(less than 2/10 of 1% of U.S. budget)



96% Courts of Appeals, District Courts, other judicial services

4% Supreme Court, Federal Circuit, Court of Int'l Trade, Administrative Office, FJC, Sentencing Commission

Judicial Salaries (2006)

Supreme Court:	\$203,000 (CJ: \$212,100)
Court of Appeals:	\$175,100
District Court:	\$165,200
Bankruptcy/Magistrate Judge:	\$152,000

* General Accounting Office, 2007

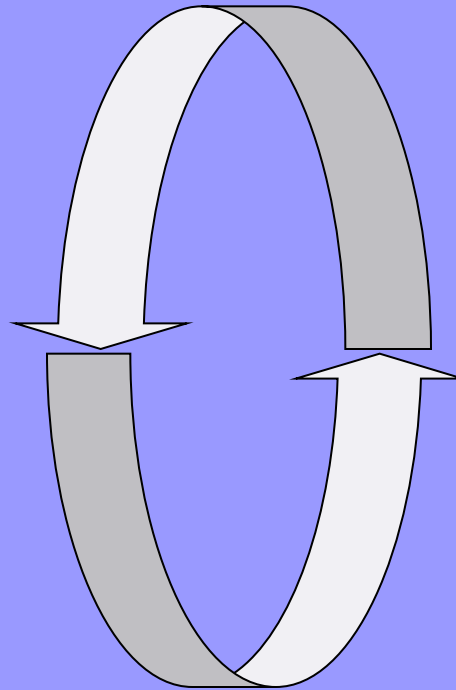


Judicial Conduct and Discipline

Inter-branch Responsibilities

Judicial Branch

- Establishes & interprets rules of conduct
- Reviews complaints against judges and determines sanctions in most instances



Legislative Branch

- Sets rules on outside income, recusal, gifts
- Through impeachment and trial, may remove judges found responsible for extreme cases of misconduct. *(Rarely exercised)*



Judicial Conduct and Discipline

Constitution

- Article III, Section 1
 - Judges serve “during good behavior”

Statute

- Judicial Conduct and Disability Act of 1980
- Financial Disclosure (5 U.S.C. §101-112)
- Limits on Outside Income (5 U.S.C. §501-505)
- Disqualification (28 U.S.C. §455)

Code of Conduct

- Canons (Judicial Conference)
- Judicial Conference Committee: Advisory Opinions



Judicial Conduct & Disability Act of 1980

Establishes "procedure for the processing of complaints against Federal Judges"

Allegations have included:

- Conflict of Interest/Bias
- Undue Decisional Delay
- Medical Disability

2006 Study of Act's operation:

- "No serious problem with the judiciary's handling of the vast bulk of complaints...but found the handling of five [high visibility cases] problematic."
- Recommendations: Improve clarity of ethics guidelines; additional education for judges and staff.



Conduct & Disability Act: *Complaint Process*

1 Complaint Filed

By complainant or chief judge; approximately 600 filed annually.



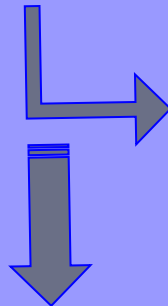
2 Chief Circuit Judge

Reviews complaint; may conduct limited inquiry. Usually issues written order to dismiss or refer to Judicial Council for further review.



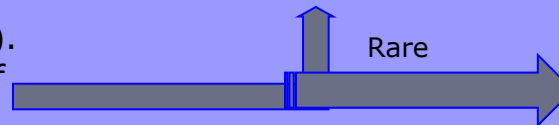
3 Judicial Council

May investigate, dismiss, take corrective action, or refer to Judicial Conference for action.



4 Judicial Conference

Reviews complaint (and appeals from complainant or accused judge). May take action or refer to House of Representatives for impeachment proceedings.



5 Impeachment

House: proceedings
Senate: trial; removal if convicted.

12 instances of impeachment; 7 judges removed.

Possible Courses of Action:

- Dismiss Complaint
- Temporarily Halt Assignments
- Request Retirement
- Censure, Reprimand (private or public)



U.S. Judicial Practice

- Common law
 - Precedent
 - Statutes
 - Rules of procedure & evidence

- Court Proceedings
 - Adversarial
 - Role of judge & attorneys
 - Trials
 - Jury or judge
 - Continuous (limited adjournments)
 - Verbatim transcript



Path of a Criminal Case

Starting the Case

Indictment
or
Information



Pre-trial

Arraignment

Investigation

Plea Bargaining



Trial

Jury Trial

Judge Trial

Jury Selection

Opening Statements

Presentation of Evidence

Evidentiary Rulings

Closing Arguments

Jury Instructions

Deliberations

Verdict

Post-Trial

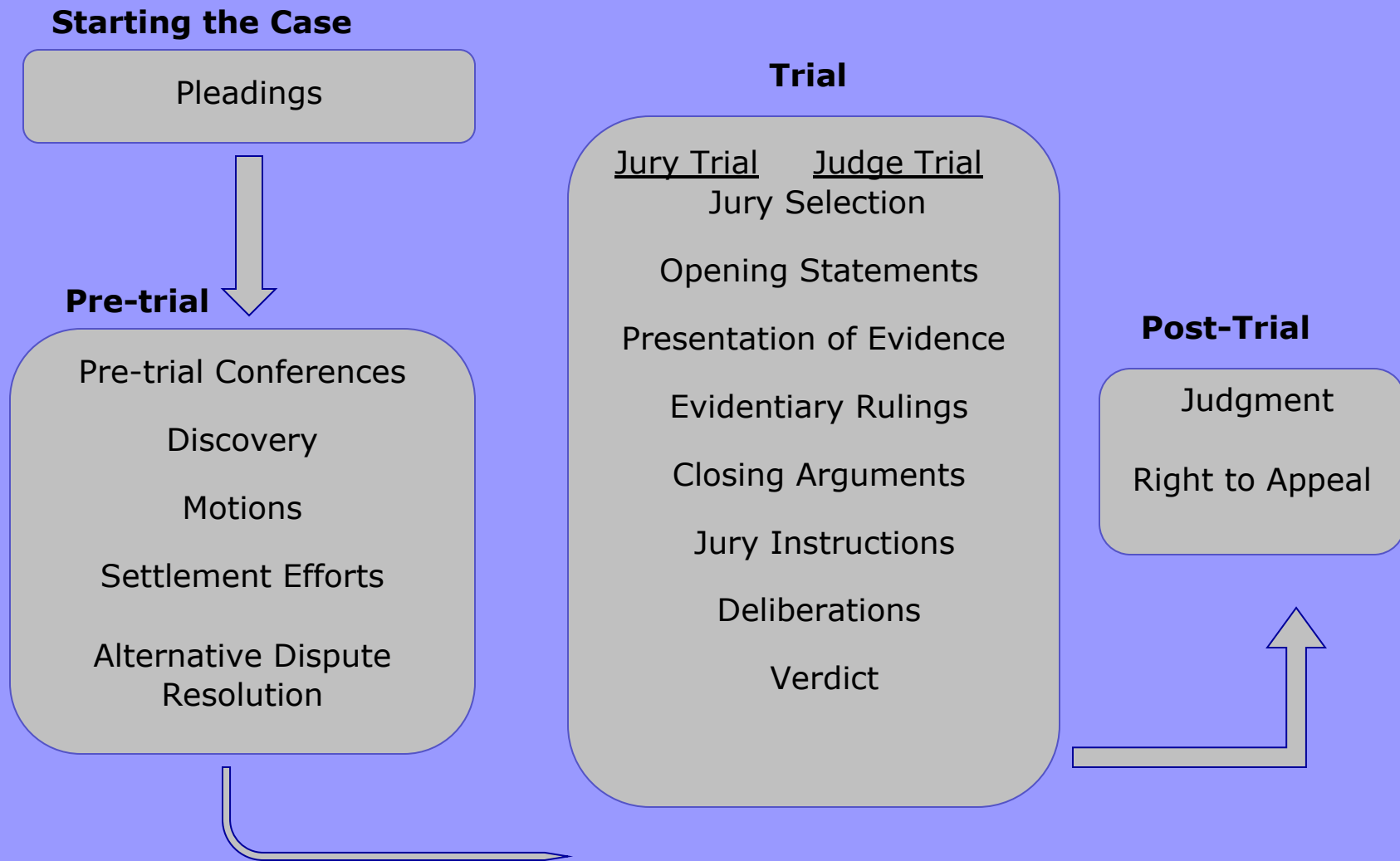
Judgment
and
Sentencing

Right to Appeal





Path of a Civil Case





Federal Judicial Center

- Established by statute, 1967
- Judicial branch agency
- Mandate: education & research
- Board
 - Chief Justice, 7 judges, AO Director
- Director
 - Appointed by Board
- Staff: 125
- Budget: \$22,874,000 (2007)



Topics in Judicial Education

- Skills
- Judicial Ethics
- Substantive Law
- Criminal Sentencing
- Science & Technology
- Case Management
- Court Administration

Identified in consultation with: Judicial Advisory Committees



Workshops & Seminars

- Orientation
 - 2 one-week sessions
- Continuing Education
 - General
 - 2 – 3 days, in different U.S. cities
 - Specialized (frequently in partnership with universities)
 - Environmental law, employment law, intellectual property, mediation skills, etc.
 - In-court programs
- Faculty
- Evaluations



FJC Publications

- Benchbook for District Court Judges
- Judicial Writing Manual
- Recurring Problems in Criminal Trials
- Case Management & ADR
- Deskbook for Chief Judges
- Reference Manual on Scientific Evidence
- Manual for Complex Litigation
- Monographs on legal issues



Programs for Court Staff

- Court Administrators
 - court management
 - case flow management
 - organizational development
 - jury trial administration
 - supervision, leadership, team-building
- Probation & Pretrial Services
- Workshops and Conferences
- In-court Program Development



Distance Education



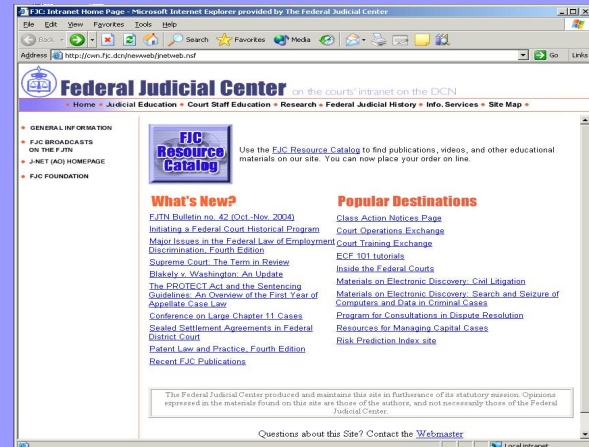
Video, DVD, Streaming, Audio



Federal Judicial Television Network



Web & Video Conferencing



FJC Website (www.fjc.gov)



FJC Programs: Statistics

Educational Programs for Judges (2006)

- 53 programs
- 2,105 participants

Training Programs for Court Staff (2006)

- 314 programs
- 10,147 participants



Research at the FJC

Mandate: *to develop and undertake analytical, empirical research in the fields of court operations and judicial administration, often at the request of judicial branch policymakers or Congress*

Projects include:

- Case management
- Alternative Dispute Resolution
- Case weights
- Courtroom technology
- Class action
- Impact of rules reform

Federal Judicial History Office: studies the history of the federal judiciary



International Judicial Relations

- Informational briefings
- Educational programs
- Visiting Foreign Judicial Fellows Program
- International conferences
- Technical assistance
- Materials
- International Judicial Relations Committee



www.fjc.gov