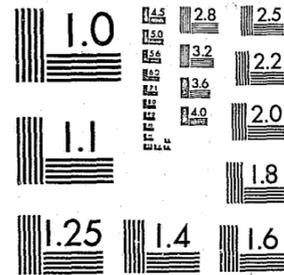


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# Administrative Structures in Large District Courts

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ADMINISTRATIVE STRUCTURES IN LARGE DISTRICT COURTS

A Report to the Conference of  
Metropolitan District Chief Judges

Philip L. Dubois

Federal Judicial Center  
December 1981

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ACQUISITIONS

This publication is a product of a study undertaken in furtherance of the Center's statutory mission to conduct and stimulate research and development on matters of judicial administration. The analyses, conclusions, and points of view are those of the author. This work has been subjected to staff review within the Center, and publication signifies that it is regarded as responsible and valuable. It should be noted, however, that on matters of policy the Center speaks only through its Board.

Cite as P. Dubois, Administrative Structures in Large District Courts (Federal Judicial Center 1981).

TABLE OF CONTENTS

I. INTRODUCTION . . . . .	1
Purposes of the Study . . . . .	2
Field Visits to the District Courts . . . . .	4
Limitations of the Study . . . . .	6
Administrative Tasks of the District Courts . . . . .	6
II. MANAGING THE DISTRICT COURT: THE CHIEF JUDGE AND ADMINISTRATIVE STRUCTURES . . . . .	13
Caseload Relief for the Chief Judge . . . . .	14
Committees and Liaison Judges . . . . .	15
The Clerk of Court . . . . .	21
Administrative Assistants to the Chief Judge . . . . .	25
III. PERFORMANCE OF ADMINISTRATIVE TASKS . . . . .	34
Personnel . . . . .	34
Space and Facilities . . . . .	47
Equipment and Supplies . . . . .	53
Budgeting and Accounting . . . . .	55
Court Security . . . . .	58
Relations with the Bar, the Media, the Community, and Government Agencies . . . . .	61
Other Administrative Tasks . . . . .	66
APPENDIX A: Court Members Interviewed in Field Visits to Fifteen Metropolitan District Courts . . . . .	71
APPENDIX B: Some Committee and Liaison Judge Arrangements Used in the Fifteen Metropolitan District Courts Studied . . . . .	75

## I. INTRODUCTION

In a resolution passed on October 19, 1979, the Conference of Metropolitan District Chief Judges recommended that "the Judicial Conference of the United States take such steps as may be necessary to provide that the metropolitan district courts be authorized a court administrator, subordinate to and under the direction of the chief judge of the district court."

Following consideration of the metropolitan chief judges' resolution, the Judicial Conference Committee on Court Administration recommended at its March 1980 meeting that a study be initiated that would consider "the qualification standards, [the] selection procedures, the organizational location, [and the] responsibilities of [an assistant to the circuit executive], and the related information pertaining to clerks of court . . . ."

The Chief Justice then asked Judge Walter Hoffman, chairman of the Conference of Metropolitan District Chief Judges, to appoint a three-judge committee of the conference to consider some of these issues. The committee appointed was composed of Chief Judge Joseph S. Lord III, of the Eastern District of Pennsylvania, as chairman; Chief Judge James B. Parsons, of the Northern District of Illinois; and Judge Malcolm M. Lucas, of the Central District of California, sitting as the designee of Chief Judge Irving Hill.

The committee requested that the Federal Judicial Center conduct a study of the fifteen metropolitan district courts that would be affected by the proposal to create the position of assistant to the circuit executive. This report is the result of that study.

#### Purposes of the Study

The general purpose of the study was to provide for the committee an analysis of the management styles used in the metropolitan district courts that would be affected by the proposal to create the position of assistant to the circuit executive. Before addressing specific problems that might attend the creation of such a position, the committee wished to know how the candidate district courts were being administered. Only by understanding how these courts were actually managed could the committee assess the probable impact of an assistant to the circuit executive.

The committee expressed particular interest in identifying the means by which each court divided responsibility for performance of administrative tasks. In other words, the committee wanted to know what part chief judges, other judges of the court, magistrates, clerks, chief probation officers, and other supporting personnel played in administering the largest metropolitan district courts.

The study did not attempt to address such issues as the proper institutional relationship of a district court executive

to the circuit council or the possible overlap of or conflict between duties envisioned for a court executive and those performed in some courts by clerks of court. This report does not attempt to assess the need in any court for an assistant to the circuit executive. Rather, it describes the many administrative tasks faced by the largest metropolitan district courts and the various administrative arrangements these courts have devised to perform those tasks.

To develop an understanding of each court's administrative arrangements, the following questions were considered for each district court studied:

Chief judge. What proportion of the chief judge's time is spent on administrative responsibilities? What reduction in caseload is provided to accommodate the chief judge's administrative burdens? What administrative tasks are delegated to other judges, the clerk, the chief probation officer, or other court personnel? What administrative arrangements exist to assist the chief judge in carrying out administrative duties? Which administrative duties does the chief judge seem unable or unwilling to delegate to others and why?

Other judges. What proportion of time do other judges devote to administration of the court? Do they serve on standing committees, on ad hoc committees, or as liaison judges to consider administrative problems? Could any of the matters they now consider in these capacities be delegated to a nonjudge?

Clerk of court. Apart from the traditional authority asso-

ciated with case management and various special services (such as naturalization), which administrative duties have been assigned by the court to the office of the clerk? To what extent is the clerk involved with judges in the formulation and implementation of administrative policies?

Other court personnel. What administrative duties have been delegated to nonjudge court personnel other than the clerk, such as the chief probation officer, the administrative assistant to the chief judge (if any), or court reporters?

Administrative gaps. What important administrative tasks are being performed inadequately or not at all? Could such tasks be performed by a nonjudge?

#### Field Visits to the District Courts

The committee asked that the study of management styles in the fifteen affected courts be conducted through personal visits rather than by questionnaire. Field visits were conducted by Philip Dubois, formerly of the Center's Research Division staff.

Because it was assumed that a large part of the study would depend upon the cooperation of clerks of the various courts, Dubois sought an initial meeting with some of the clerks by attending the first of two sessions of the Center's Management Seminar for Clerks of Court in Lake Ozark, Missouri (March 25-27, 1980). Dubois met with the seven clerks from the candidate metropolitan district courts who attended that session. During this initial meeting, he did not attempt to discuss the manage-

ment of the various courts. Rather, discussions centered around the clerks' general perceptions of the proposed position of assistant to the circuit executive. This allowed Dubois to focus subsequent field visits more directly upon the analysis of management arrangements.

Field visits commenced on April 25, 1980, after the Center's Research Division developed and approved an appropriate interview schedule. In most courts visited, Dubois met with the chief judge, the clerk of court, and other judges or court employees suggested by the chief judge or the clerk. In most of the courts visited, interviews were conducted on a one-to-one basis, but some courts arranged for group meetings of judges with Dubois; these meetings occasionally included the clerk. Dubois first met with the clerk of court, employees of the clerk's office, or both to obtain a full briefing on the clerk's functions and the general structure, organization, and administration of the court. These meetings usually required at least two to three hours. Dubois then met with the chief judge, other judges, or both. These meetings varied widely in length (from five minutes to three hours), depending upon the adequacy of the initial meeting with the clerk, the complexity of the court's management arrangements, and the time limitations imposed by the judges' personal schedules.

A complete list of judges and court personnel interviewed is included in appendix A infra.

### Limitations of the Study

Because time was limited in each court and with each interviewee, no attempt was made to catalog every specific administrative function performed in each court. The focus of each visit was to add to the general catalog of administrative tasks and to identify those management arrangements that might distinguish one court from another.

It is also important to note that no attempt was made to evaluate the efficiency of particular court management arrangements or to estimate the value of certain administrative innovations used in different courts. The primary goal of the study was to describe the various approaches courts have adopted to meet their administrative responsibilities, not to evaluate these approaches. To evaluate courts comparatively, one must consider that courts have different visions of what is required for effective management. In some courts the prevailing view is that the court "that governs least, governs best." Other courts, however, seemingly are in constant reform as the judges experiment with new administrative structures, procedures, or rules. Such varying approaches cannot be evaluated without some prior assessment of the range and complexity of the problems actually facing each court.

### Administrative Tasks of the District Courts

A comparative analysis of management styles in the fifteen metropolitan district courts must be based on some general agree-

ment as to the administrative tasks faced by those courts. Securing general agreement of this sort is not easily accomplished, however, for three reasons.

First, although some administrative responsibilities are faced by all courts (such as those mandated by Congress, the Judicial Conference, or the Administrative Office of the United States Courts), others may be required of only a few courts. For example, local rules or the orders of particular circuit councils may impose upon some courts administrative duties not faced by others.

Second, in the context of considering a proposal to create an assistant to the circuit executive position, there is no utility in comparing management arrangements for the performance of administrative tasks that are universally viewed as properly performed only by judges. Various aspects of managing the individual calendar, such as the establishment of policies governing the granting of continuances, would be among such inherently judicial administrative tasks. On the other hand, many administrative tasks associated with case management (such as case scheduling, docketing, filing, record keeping, notification of parties, and issuance of orders) are regularly delegated to the clerk of court or imposed upon the clerk by statute or rule. The clerk also has statutory responsibilities for managing the clerical aspects of various special services, such as naturalization (see 8 U.S.C. § 1450). Thus, delineation of the administrative tasks that might be handled by an assistant to the circuit exec-

utive would normally exclude the congeries of administrative activities the clerk performs in connection with the management and movement of individual cases through the litigation process or in the administration of special services. An assistant to the circuit executive might be expected, however, to oversee operations and to suggest to the court or the clerk the adoption of new procedures calculated to improve the process of case management or the delivery of court services.

Third, it must be recognized that judges' opinions concerning the administrative duties properly vested in a nonjudge differ widely. Some judges regard certain administrative matters as so closely tied to court policy that the judges must retain responsibility for them. Other judges see their participation in administration as often necessary to ensure compliance with the court's administrative directives. Because chief judges, in particular, are perceived by the bar, government agencies, and the court as the ultimate authority, these judges remain ultimately responsible for the administration of the court's business.

Despite these problems, an attempt was made to list the administrative tasks faced by most metropolitan district courts. Of course, not all judges would agree that such tasks should be performed by a nonjudge; nor would all judges agree that some of these tasks need to be performed in their courts at all. One should not assume that all district courts perform all of the listed tasks. This listing is merely a necessary first step in

the analysis of how metropolitan district courts approach their administrative responsibilities.

Guidance in compiling the list of administrative tasks was provided by various sources. First, the budget justification for the position of assistant to the circuit executive contains a list of possible duties. This list is similar to that prescribed for the circuit executive in 28 U.S.C. § 332(e), but it contains appropriate changes to reflect the district court's focus for the proposed position. A second source of administrative tasks was the "Mission Statement for Clerks of Court" approved by the Judicial Conference in 1977. The Clerks' Manual was another source used in compiling the list. The manual prescribes the various "functions and duties of the clerk" in the capacity of "chief administrative officer of the court."<sup>1</sup> Finally, interviews conducted during the field visits for this study revealed particular administrative tasks faced by one or more courts. The tasks listed below are described in detail in chapter three.

#### ADMINISTRATIVE TASKS PERFORMED BY MOST DISTRICT COURTS

##### Personnel

1. Develop job descriptions for recruiting qualified applicants for job vacancies.
2. Seek and hire qualified applicants for job openings by ensuring that notices announcing job vacancies are widely circulated in a variety of forums.

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1. Administrative Office of the United States Courts, Guide to Judiciary Policies and Procedures: Clerks' Manual, vol. IV-A, § 101.1.

3. Develop and implement an affirmative action plan, in accordance with the directive of the Judicial Conference, that will promote equal employment opportunity in recruitment, hiring, promotion, and advancement.
4. Process personnel actions through the Administrative Office and maintain all personnel records, including personal histories, leave records, promotion actions, disciplinary actions, and evaluations.
5. Provide employees with information concerning personnel policies and counseling on such matters as health insurance, life insurance, and retirement.
6. Certify and manage payroll.
7. Assign, supervise, and coordinate supporting personnel, such as courtroom deputies and court reporters; provide for substitutes during vacancies or absences; and hire temporary employees to fill unexpected needs of judges and magistrates for clerical assistance.
8. Conduct personnel performance evaluations and submit recommendations on personnel advancement.
9. Arrange for and coordinate the training of court personnel through liaison with the Administrative Office, the Federal Judicial Center, and private companies that provide training in the use of technical equipment such as word processors.

#### Space and Facilities

1. Allocate court space, including courtrooms, chambers, offices, and parking slots; and monitor space assignment billings from the General Services Administration (GSA).
2. Coordinate the use of courtrooms by judges, visiting judges, magistrates, and other government agencies and groups.
3. Plan, coordinate, and supervise new construction projects, including liaison with GSA regional branches and divisions.
4. Respond to judges' requests for furniture, repairs, or changes in the environmental conditions (such as heating or cooling) of chambers or courtrooms.
5. Coordinate all movement of furniture and furnishings with-

- in the court, such as that required by changes in judges' chambers or the arrival of new judges.
6. Arrange for the procurement of necessary furniture and furnishings by consulting with the office that requires the furniture, advising the office on budget authorizations and furniture costs, providing furniture catalogs, placing desired orders, and securing delivery.
7. Arrange for and coordinate minor repairs.
8. Maintain a full inventory of court furnishings and equipment.

#### Equipment and Supplies

1. Prepare requests and justifications for new office equipment.
2. Procure needed library books and reference materials.
3. Maintain, order, and issue office supplies.
4. Coordinate periodic maintenance and inspection of equipment.

#### Budgeting and Accounting

1. Develop annual requests and justifications for furniture and furnishings budget.
2. Prepare and submit to the Administrative Office annual workload and staffing projections to support requests for authority to hire additional personnel.
3. Administer the court's annual budget for furniture and furnishings.
4. Maintain a system for collection, accounting, disbursement, and security of court funds.

#### Court Security

1. Plan and develop procedures for the security of the court and court personnel in cooperation with relevant agencies.
2. Institute and carry out a plan for the issuance of keys, garage passes, or other security devices.

Relations with the Bar, the Media, the Community,  
and Government Agencies

1. Manage relations, as required, with state courts and judges and with state and local bar associations.
2. Manage all press, publicity, and public relations not related to specific cases.
3. Conduct tours and lectures for the public, civic organizations, and student groups.
4. Coordinate occasional use of courtrooms by government agencies, law schools, or other groups.

Other Administrative Tasks

1. Coordinate periodic meetings of the judges, including preparation of the agenda and the keeping, preparation, and distribution of the minutes.
2. Prepare periodic reports as required for the circuit council, the Administrative Office, and other agencies.

II. MANAGING THE DISTRICT COURT:  
THE CHIEF JUDGE AND ADMINISTRATIVE STRUCTURES

The duty of managing a district court rests by law and tradition with the chief judge. Although federal law provides that "the business of a court . . . shall be divided among the judges as provided by the rules and orders of the court," the chief judge is "responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe" (28 U.S.C. § 137). Thus, although the statutory language is unclear as to how much authority for administering the court's business is committed to the chief judge and how much to the court, it is generally understood that most of the responsibility for administering a district court rests with the chief judge unless the court directs otherwise.

Among the fifteen district courts studied, assistance to the chief judge in carrying out administrative duties is provided by four devices. First, many districts accord the chief judge relief from some of his caseload obligations. Second, in most districts, the chief judge shares responsibility for the oversight of court departments and administrative policy with other judges. Third, most district courts assign various administrative responsibilities to the clerk of court. Fourth, in three

courts, the chief judges are provided with direct aid from administrative assistants, in addition to assistance from secretaries and law clerks.

#### Caseload Relief for the Chief Judge

One might assume that because chief judges bear many administrative responsibilities, they cannot be expected to maintain a full caseload as well. Indeed, most of the fifteen district courts studied provide caseload relief for their chief judges. In only four courts does the chief judge maintain a full criminal and civil caseload and participate in the normal process of random case assignment. Three courts reduce the chief judge's civil caseload by half; five courts reduce by half both criminal and civil case assignments. In two courts, the chief judge receives a full criminal caseload but no civil assignments. In one district, the chief judge has been effectively removed from the case assignment process altogether, bearing responsibility primarily for handling all grand jury matters, all preindictment motions, and cases he chooses to assume.

Although no cause-and-effect relationship can be attributed, it was generally observed in the field study that the proportion of time a chief judge devotes to administrative matters is related to the caseload relief the judge is provided. When asked what proportion of time they spent on administrative matters, chief judges provided estimates that ranged from 10 percent to 80 percent. High estimates generally were made by the judges who

received the most relief from regular caseload assignments.

No conclusions can be drawn from knowing merely the proportion of time a chief judge devotes to administrative tasks, however. Allocation of time to administration depends upon the seriousness of problems facing the court, the extent of delegation of administrative authority to colleagues, and the extent of staff assistance available in the chief judge's own office and in supporting departments of the court.

#### Committees and Liaison Judges

Many chief judges have at their disposal administrative structures that allow them to delegate some of their administrative responsibilities. Some of these administrative structures originated at an earlier time when the judges of a court sought to share power and authority with a chief judge they viewed as unable to manage alone the myriad responsibilities placed on his office. Such structures or arrangements have survived either through inertia or because judges have found them useful and efficient governing devices. Other administrative structures arose from a desire, often on the part of the chief judge, to share authority and to ensure a more equitable distribution of administrative matters that would both lighten the burdens on the chief judge and allow a more considered and thorough treatment of policy issues facing the court.

Many of the fifteen district courts studied have devised some kind of administrative structure to assist chief judges in

managing the courts. Eight courts<sup>2</sup> use a system of standing committees that exercise jurisdiction over offices serving the court (the clerk's office, the probation office, the magistrate's office, etc.) and particular policy issues facing the court (for example, arbitration, rules, space, and security). These courts typically supplement their standing committee structure with ad hoc committees appointed by the chief judge as new, but essentially temporary, problems or policy issues require consideration. A list of the various standing committees used in these districts is included in appendix B infra.

Five courts<sup>3</sup> use liaison or supervisory judges to assist the chief judge in court administration. These judges, as "committees of one," study problems that arise in court agencies and in particular policy areas and make recommendations to the chief judge and the court concerning the resolution of those problems. In some courts, ad hoc or standing committees also support the liaison judge system. Southern Florida, for example, uses both an extensive system of committees (standing and ad hoc) and liaison judges for each of the departments.

Two courts have developed a dual level of committees. In

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2. The Southern District of New York, the District of the District of Columbia, the Eastern District of Louisiana, the Eastern District of Michigan, the Western District of Pennsylvania, the Northern District of Florida, the Central District of California, and the Northern District of Illinois.

3. The Eastern District of Pennsylvania, the Southern District of Texas, the Northern District of California, the Eastern District of New York, and the Southern District of Florida.

Central California, fifteen standing committees and three ad hoc committees oversee particular court agencies and policy areas. Since April 1978, however, the effective administrative arm of the court has been the executive committee, which consists of the chief judge and four other judges. Members other than the chief judge are elected periodically to represent each quarter of the court, from a list of judges arranged by seniority.

In weekly meetings the executive committee conducts the business of the court, subject to two primary constraints. The first constraint is that the executive committee's actions do not take effect until ten days after the minutes of its meeting are transmitted to the court. Within that ten-day period any judge may object in writing to any action and request that the matter be considered by the entire court. Such a written objection stays the proposed action of the executive committee until the next regularly scheduled or specially called meeting of the whole bench. There is one exception to this rule, however. If the executive committee unanimously finds that an emergency exists, the committee may take immediate action and is not required to observe the ten-day waiting period before implementing its decision. The second constraint is that any two committee members may request that no action on a particular issue be taken and that the matter be referred to the court as a whole.

Recommendations from standing and ad hoc committees are presented to the executive committee for consideration. The importance of the recommendations in the administration of the

court is highlighted by a provision in the rules: "Existing Committees will continue to function and will be consulted by the Executive Committee."

Northern Illinois uses an executive committee structure similar to that used in Central California. The committee is composed of the chief judge and four judges. Membership is for four-year terms and is determined by rotation in order of seniority until all active members of the court have served. The executive committee also contains two nonvoting members: the acting chief judge (if not already a member of the committee) and the clerk, who serves as secretary.

The executive committee in Northern Illinois functions under fewer formal constraints than its counterpart in Central California. By court rule, the executive committee in Northern Illinois is required to "report a summary of its actions and activities to the court at regularly scheduled meetings of the judges"; however, the [d]ecisions and actions of the executive committee taken on behalf of the court will stand approved unless disapproved by a majority . . . ."

The executive committee in Northern Illinois is not supported by a system of standing committees. Court rules provide that "there shall be no standing committees." The executive committee itself serves as the assignment committee and the disciplinary committee of the court. The chief judge assigns judges as "supervisors, each of whom shall be responsible to him for developing and maintaining an effective relationship between the

court" and each of twelve "departments, offices, and areas of special concern." The departments, offices, and areas of concern assigned to these liaison judges are displayed in appendix B infra.

In contrast with the other district courts studied, three courts<sup>4</sup> do not use any system of standing committees or liaison or supervisory judges whatsoever. Although the chief judges in these courts may appoint ad hoc committees or committees of one to research problems and to make recommendations, the chief judge (rather than a committee or a particular liaison judge) remains the focal point for the collection of policy problems and complaints concerning the court's administration. Of course, one should not infer from this arrangement that the chief judges in these courts govern autocratically and without regard to the preferences of their colleagues. The field visits revealed almost universal agreement among chief judges and other judges that major policy decisions of a court should not be and are not made by the chief judge alone. Virtually all of the major metropolitan district courts are governed by the principle of collegiality.

Regardless of the extent of administrative responsibility delegated to standing or ad hoc committees or liaison judges, the amount of time spared the chief judge by these administrative

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4. The Northern District of Georgia, the District of New Jersey, and the District of Massachusetts.

structures is difficult to calculate because liaison judges play different roles in different courts. In some courts, these judges serve a supervisory role, receiving and resolving whatever day-to-day problems cannot be resolved by the various court department heads. In other courts, liaison judges are primarily regarded as a medium for communicating problems and potential solutions to the chief judge or the entire court. Regardless of the role liaison judges and committees play in court administration, other members of the court system do not always recognize or use these structures. Several chief judges noted the tendency for department heads, magistrates, court reporters, and others to bypass liaison judges and judge committees to seek an immediate audience with, and a possible decision from, the chief judge. Considering these requests and forwarding them to the appropriate liaison judge or committee consumes time the chief judge might otherwise spend on judicial matters or on other administrative business.

Just as the amount of time spared the chief judge by committees or liaison judges cannot be estimated, the amount of time the other judges of the court spend on liaison or committee assignments cannot be generalized. In some courts, judges reported that their committee or liaison judge assignments consumed very little time, perhaps not even 1 percent of the average workweek. They attributed this minimal time requirement to the absence in their courts of serious problems that require attention. In other courts, liaison judges with particularly problem-

ridden areas of responsibility reported devoting substantial time to administrative duties. For example, one judge in charge of securing the authorization for and supervising the construction of a new court building reported spending a minimum of twenty-five hours a week on this task. Judges may also spend large amounts of time on nonjudicial matters. One judge charged with supervision of magistrates was called upon by his court to draft procedures for implementing the new magistrates act enacted by Congress. In another court, a committee of judges devoted a substantial amount of time to drafting and obtaining bar review of an extensive revision of the court's local rules. A committee of judges in another court was asked to prepare an extensive report on bankruptcy operations in the district. For many judges, even small amounts of time spent on administrative or other matters soon total a substantial burden.

#### The Clerk of Court

It is important to note that regardless of whether a court makes use of standing committees, ad hoc committees, liaison or supervisory judges, or committees of one, the amount of time spent by chief judges and other judges in the evaluation and reform of court policies depends largely on the court's use of the clerk of court. Clerks provide assistance not only in matters well within their designated and traditional areas of responsibility but also in areas beyond those traditionally thought of as within their purview.

The clerk's traditional administrative responsibilities

relate to his role as custodian of the records of litigation, supervisor of other aspects of the administration of the court's litigation processes (such as the jury system), and director of special services provided by the district court (such as naturalization and attorney admissions). When the court is considering possible reforms in court policies or procedures, the clerk is frequently called upon to provide staff assistance in a wide variety of substantive areas.

All of the courts visited frequently request that their clerks provide statistics concerning the current status and past performance of the court's judges with respect to their case-loads. Just how frequently clerks are asked to provide this information depends, of course, upon the interest of the chief judge and the other judges in such matters, the initiative of the clerk, and the frequency of demands for docket information from the circuit council. Because clerks in every district prepare monthly statistical reports for the Administrative Office on case dispositions, it is not unreasonable for courts to look to their clerks for such information.

As a statutory member of the Speedy Trial Planning Group and as custodian of data concerning the disposition of criminal cases, the clerk is also frequently called upon to provide information concerning the court's compliance with Speedy Trial Act deadlines. Because his office administers the court's jury system, the clerk is also expected to provide statistics bearing on jury utilization and costs. As the ultimate employer of

courtroom deputies, the clerk is in a particularly appropriate position to respond to a request from the court for a study concerning the use of courtroom time, an inquiry often made when the court seeks to justify expansion of court space or construction of new courtrooms. As administrator of the naturalization section of the district court, the clerk has ready access to statistics on this matter as well.

To ensure effective administration of the court, the clerk is required to attend to a number of matters outside the traditional purview of his office as well. As discussed in chapter three, the court must promulgate policies and procedures in a wide variety of administrative areas, including but not limited to personnel; budgeting; space and facilities; equipment and supplies; court security; and relations with the bar, the media, and the community. In addition, the court must address questions of policy and procedure that arise in connection with the administration of the probation office, the functioning of magistrates, the operation of the bankruptcy court, and so forth. Finally, any number of policy questions may arise from time to time, such as those related to the design of an affirmative action employment policy, the institution of a pilot program for mandatory nonbinding arbitration, and the implementation of new standards for admission to practice in the federal courts. In these and other areas, the time judges spend studying a problem and formulating a solution depends upon the court's use of the clerk.

In some courts, but by no means all, the clerk is delegated authority in a broad range of activities, such as initiating revisions in local rules, suggesting improvements in the supervision of court reporters, designing plans for the achievement of the court's equal employment opportunity objectives, coordinating the design and construction of new facilities, studying and recommending improved procedures for the use of court equipment, and recommending procedures concerning disclosure by judges of personal financial statements. In these areas and others, clerks save judges time that otherwise would be spent in the collection and analysis of data bearing on policy problems and in recommending solutions.

Why some courts involve their clerks in the policy formulation process and other courts do not is not easily discerned. Obviously, in some courts, the clerk is viewed as an individual who is incapable (whether by training or for other reasons) of assuming such a role. In other courts, judges may have the highest confidence in the abilities of the clerk but are aware that he is already substantially overburdened with the myriad administrative duties associated with case management. In still other courts, the judges view it as improper for the clerk to be involved in matters bearing on the formulation of courtwide policy. Although few courts see their clerks only in the traditional "green eyeshade" role, many are unalterably opposed to involving nonjudges in the formulation of court policies. In other courts, judges hold no such objections as long as final

policy decisions remain in their hands. Indeed, these judges welcome the advance work and research performed by the court clerk.

Even courts that agree that judges alone should formulate policy and that clerks (and other nonjudge personnel) should be limited to implementing the court's directives differ in their interpretation of "policy formulation." In one court, for example, the chief judge asserted that while the task of ordering photocopying machines is a clerical responsibility, the task of deciding where those machines would be located is "policy." In other courts, judges are rarely involved in such decisions. In one court, the allocation of court parking slots was the subject of an hour-long meeting between the chief district judge, the chief circuit judge, and the regional administrator of the General Services Administration (GSA). In other courts, the responsibility for managing court parking space is entrusted to a nonjudge.

#### Administrative Assistants to the Chief Judge

The fourth device district courts use to ease the administrative burdens of their chief judges is to provide direct staff support. Of course, all chief judges and all courts rely to a greater or lesser extent upon their secretaries and the clerk of court and his staff to provide assistance in carrying out administrative duties. The chief judges in three of the courts studied (Northern Illinois, the District of Columbia, and Northern

California), however, are provided with the direct staff aid of an administrative assistant.

The duties and responsibilities assigned to the administrative assistants in these districts vary widely. Some duties carried out by administrative assistants to chief judges are those that are performed in other courts by the clerk, by subordinate employees in the clerk's office, or by the chief judge's secretarial staff. In contrast, many of the functions carried out by one chief judge's administrative assistant are similar to those customarily performed by a staff legal officer or law clerk, and the administrative assistant is not as directly involved in easing the chief judge's administrative burdens as he is in providing assistance in the areas of legal research and case screening.

Administrative assistance to the chief judge for Northern Illinois is provided through two rules of the court. One court rule provides that "the Chief Judge shall have under his direction the assistance of the Chief Clerk of the District Court as a Court Administrator who shall also serve as the Secretary to the Executive Committee in all of its proceedings." The practical effect of this rule is uncertain because it seems to provide the chief judge with no greater assistance from the clerk than other chief judges enjoy without benefit of a rule. The rule does, however, allow the clerk to send correspondence and issue the court's directives under the designation "Court Administrator,"

which stamps his actions with the imprimatur of the chief judge and the court.

More direct administrative aid is provided to the chief judge for Northern Illinois by a court rule that instructs that the chief judge "shall have under his direction the assistance of an administrative assistant who shall be a member of his immediate staff but who shall be a deputy clerk with the rank of a Courtroom Minute Clerk." Thus, at least formally, the administrative assistant is an employee of the clerk's office.

The administrative assistant in Northern Illinois performs functions that in most courts are performed either by personnel within the clerk's office or by the secretary to the chief judge. His most important responsibility is to coordinate the allocation, use, and repair of the space, facilities, furniture, and furnishings of the courthouse. A major part of this responsibility is to serve as the chief judge's liaison to GSA.

Other functions performed by the administrative assistant in Northern Illinois include acting as liaison to the United States marshal and the Federal Protective Service in arranging for court security, coordinating the movement of furniture within the courthouse, scheduling the use of courtrooms by outside agencies, responding to inquiries from the general public and arranging for court tours, managing ceremonial functions of the court, and making arrangements for regular judge meetings. The administrative assistant is also responsible for coordinating paperwork and preparing orders that the executive committee issues in its

role as the Committee on Attorney Discipline. In addition, the administrative assistant conducts specially assigned research projects.

Unlike the administrative assistant to the chief judge in Northern Illinois, the administrative assistant in the District of Columbia often performs functions that are similar to those carried out by a law clerk or staff attorney. He does handle, however, some administrative duties for the chief judge, some of which involve assistance to the court in its consideration of policy matters.

The position of administrative assistant to the chief judge in the District of Columbia traces its historical roots to the time prior to the institution of home rule, when the federal district courts exercised substantial jurisdiction over local judicial matters. At that time, the administrative assistant position was graded at level 15 and was provided with approximately five staff assistants. Following separation of local matters from the federal court, the position was gradually reduced and today consists of a single administrative assistant who has clerical support. The present occupant of the office is an attorney, and the position is graded at level 13.

In his legal role, the administrative assistant screens prisoner petitions and other requests for proceedings pro se and in forma pauperis. He also screens matters on the motions docket and presents them with recommendations to the motions judge. In addition, the administrative assistant screens for the chief

judge all preindictment criminal matters that are assigned to him.

In his role of providing administrative aid to the chief judge, the administrative assistant in the District of Columbia prepares the agenda for the judges' meetings, responds to requests from the Administrative Office, controls the use of courtrooms not assigned to particular judges, allocates parking spaces, responds to inquiries made of the chief judge from judges and nonjudges alike, coordinates press and security arrangements in highly publicized cases, and (along with the clerk of court) responds to public inquiries and arranges for courthouse tours. In an additional important assignment made recently, the administrative assistant will serve as the coordinator of the equal employment opportunity plan adopted by the court (see "Equal Employment Opportunity and Employee Grievance Practices" in chapter three infra).

The administrative assistant to the chief judge also performs certain tasks that directly assist the judges of the court in the formulation and implementation of policy. For example, the administrative assistant has conducted research and made recommendations to the court concerning procedures for simplifying service of process by the United States marshal, for transferring custody of the "Watergate tapes" to the National Archives, for reinvestment of certificates of deposit purchased with court registry funds, for the use of the courthouse photocopy systems, and for the use of the personnel of senior judges.

The administrative assistant also successfully recommended to the court that the courthouse health unit be transferred to the Public Health Service, an arrangement that required negotiation with several different agencies.

In Northern California, as in Northern Illinois, the administrative assistant to the chief judge is formally an employee of the clerk, although the clerk has nothing to do with either the hiring or the supervision of the administrative assistant. At the present time, the administrative assistant (a person with a background in business administration) occupies a grade 10 position; however, the chief judge has indicated his desire to have the position raised to a grade 12.

As do his counterparts in Northern Illinois and the District of Columbia, the administrative assistant to the chief judge in Northern California performs a variety of functions. The duties he is called upon to perform exhibit a particularly wide range, however, from those related to highly significant policy matters to those of a clerical nature that are often managed by a chief judge's secretarial staff.

One of the most significant activities of the administrative assistant is to serve as liaison between the chief judge and other members of the court, various court departments, or outside agencies. The administrative assistant brings to the attention of the chief judge those matters that the liaison judges and standing committees believe deserve the attention of the whole court. He also serves as secretary to the standing committees.

In addition, he works with the circuit executive to coordinate the chief judge's activities in the circuit.

In direct administrative assistance to the chief judge, the administrative assistant in Northern California screens and summarizes materials submitted in the recruitment of new magistrates and, after a hiring decision is made, takes the appropriate steps for clearance of the appointment with the FBI and the Administrative Office. The administrative assistant also assists the chief judge in preparing the agenda for the court's monthly meetings and in managing the chief judge's activities concerning the Historical Society for the Northern District of California, of which he is chairman.

The administrative assistant also performs many duties that in other courts are assigned to secretaries or employees of the clerk's office. These include coordinating the use of courtrooms by visiting judges and government agencies (with the assistance of the director of courtroom services in the clerk's office), making arrangements for accommodations for visiting judges, planning and arranging luncheons and other meetings with bar associations and invited guests of the court, and coordinating ceremonial events hosted by the court.

It is important to note that two of the existing administrative assistants perform functions that in other courts are often performed by the chief judge, by standing or ad hoc committees, or by liaison judges. In Northern California, the administrative assistant is active in coordinating the work of the

court's standing committees and liaison judges, thereby giving the chief judge significantly more time to attend to other matters, both administrative and judicial. In the District of Columbia, the administrative assistant actively assists judges in the formulation and implementation of solutions to policy problems, thereby conserving judge time.

Thus, although the chief judge of a major metropolitan district court is ultimately responsible for the administration of his court, most chief judges have met their administrative burdens to some extent by a partial reduction in their caseloads, by the assistance of fellow judges who serve on committees and as liaison judges, and by staff assistance from secretaries, the clerk's office, and in three districts, an administrative assistant to the chief judge.

Despite the varying kinds of administrative assistance available to chief judges, however, many of the chief judges interviewed stressed that much of their time on administrative duties is spent handling matters that cannot be delegated to other judges or to other court personnel. For example, in courts in which the court members do not enjoy a particularly collegial atmosphere, the chief judge may spend an unusual amount of time maintaining interpersonal relationships or, in the words of one chief judge, "smoothing ruffled judicial feathers." The task of maintaining harmony within a court falls quite naturally to the chief judge; this task usually cannot be delegated to another judge and can never be assigned to staff.

As the official heads of their courts, chief judges are also the focal point for all official communications emanating from the Judicial Conference, the circuit council, the Administrative Office, the Federal Judicial Center, other government agencies, the bar, and the public. Although a secretary or administrative assistant can offer some help in this regard, there is a certain minimum of such communication that the chief judge must handle personally.

### III. PERFORMANCE OF ADMINISTRATIVE TASKS

#### Personnel

##### Recruitment, Training, Supervision, and Appraisal

Apart from judges, every district court is staffed by a host of professional and clerical personnel, including magistrates, court clerks, probation officers, law clerks, courtroom deputies, court reporters, and secretaries. When vacancies occur in these positions, qualified applicants must be recruited, screened, and interviewed. Once a new employee has been hired, appropriate training must be provided. All employees must be supervised in their work and, in most instances, annual performance appraisals must be prepared and submitted to support recommended salary increases.

Of course, judges cannot be expected to perform all of these tasks. Rather, they depend, to a varying extent, upon the clerk of court and the chief probation officer to manage the court's largest departments, to supervise employees of these offices, and to assist in other ways with administering the court's personnel system (see "Administrative Details" infra).

By law, the clerk is an appointee of the court and serves under the direction and at the pleasure of the court (see 28 U.S.C. § 751(a)). In all courts, the clerk reports directly to the chief judge and, where they exist, to standing committees or

liaison judges assigned supervisory authority over the clerk's office. Generally, however, contact between court and clerk is limited to discussion of procedures and policies of the clerk's office, and with the exceptions noted below, the court is not involved in the daily administration of the clerk's personnel.

Under 28 U.S.C. § 751(b), the clerk may appoint and remove deputies, clerical assistants, and other employees "with approval by the court." In all the courts visited, the chief judge has been given the authority to grant or withhold approval of the clerk's personnel actions. The manner in which chief judges exercise this authority differs, however. Some chief judges have great confidence in their clerks and view a judge's exercise of veto over the clerk's appointments as an unnecessary infringement upon the clerk's management of his own office. These chief judges either have provided the Administrative Office with prior authorization for the clerk to make all necessary personnel decisions or give their approval of the clerk's proposed personnel actions on a pro forma basis. Other chief judges exercise a more active review over the clerk's recommended appointments. Although they rarely exercise their veto, these chief judges either have less confidence in the ability of the clerk to make unchecked personnel decisions or consider personnel review to be an important part of the chief judge's responsibility in the conduct of the court's business.

The way in which the chief judge grants approvals of grade increases and special employee awards for performance also dif-

fers from court to court. In some courts the clerk's decisions are given automatic or pro forma approval by the chief judge; in other courts, although he rarely reverses the decisions of his clerk, the chief judge spends more time reviewing these personnel actions.

In the hiring and promotion of probation officers, however, the involvement of all the chief judges interviewed is more pronounced. This greater involvement may in part be due to the statutory provision that these officers be appointed by "the court" (see 18 U.S.C. § 3654). Judges may also show a greater interest in the selection of probation officers because these personnel are critical adjuncts to the operation of the criminal justice system in their courts and often serve in a one-to-one relationship with judges. For whatever reasons, chief judges and other judges often appear to take a more active role in the recruitment of probation officers than they do in the recruitment of deputy clerks in the clerk's office. In at least a few courts the chief judge or other judges of the court are actively involved in reviewing the recommendations and supporting materials submitted by the chief probation officer in support of the hiring and promotion of line and supervisory probation officers.

Although the court selection process for magistrates was not discussed at length during the field study interviews, the general impression given in several courts was that judges are actively involved in recruiting magistrates. Standing or ad hoc committees are frequently used in this regard.

Federal law provides for magistrates to be selected "by the concurrence of a majority of all the judges" of each district court (28 U.S.C. § 631(a)). The clerk of court may handle such matters as the advertising of a vacancy, but judges tend to have sole responsibility for screening applications, interviewing applicants, and appointing magistrates.

In addition to the professional and clerical staffs of the clerk's office and the probation office, the judges of the district courts are served by personal staffs that consist of secretaries, law clerks, a courtroom deputy, and a court reporter.

Law clerks and secretaries for each district judge are authorized by 28 U.S.C. § 752. In every court, each judge is individually responsible for hiring and firing his own secretaries and law clerks. In Northern California, the administrative assistant to the chief judge provides some help in filling secretarial vacancies, and in a couple of districts the clerk's office offers assistance in this capacity. In most districts, however, the judges assume these functions themselves, although some of those interviewed indicated that assistance in advertising vacancies, screening applicants, and interviewing prospective staff members would be most welcome. The universal view of judges appears to be that the final hiring and firing of law clerks and secretaries must rest with each judge.

Each judge is also served by a courtroom deputy (or minute clerk), who is responsible for managing the details of the judge's calendar. The courtroom deputy is not an employee of the

judge, however. In every court, courtroom deputies are employees of the clerk's office and occupy positions as deputy clerks authorized by the Administrative Office. Nevertheless, courtroom deputies work on a daily basis with the judge to whom they are assigned, and in about half of the courts visited, these deputies occupy office space within or directly adjacent to the judge's chambers and entirely separate from the offices of other employees of the clerk. Thus, courtroom deputies occupy a unique position within the personnel structure of the district court.

In nearly all courts, courtroom deputies have served for some time in the clerk's office before being promoted to the highly valued position of courtroom deputy. Prior experience as a docket clerk and service as a relief courtroom deputy are viewed in most courts as essential training for a prospective courtroom deputy. When a courtroom deputy vacancy occurs, the clerk provides the judge with a short list of personnel qualified to serve. After conducting personal interviews with prospective deputies, the judge makes a selection. Of course, courts vary on this general procedure: In some courts, the judge has little or no choice in the selection of a deputy; in others, the clerk merely provides the judge with the resumes of qualified applicants and provides a recommendation for the judge only if requested to do so.

In three of the courts visited, judges may appoint courtroom deputies from outside the clerk's office and have done so. Judges who previously worked in the state system often prefer to

continue to use the deputy they employed in their former chambers. In all of these courts, the clerk has attempted to dissuade the judge from this practice because the quality of these "outsiders" is often uncertain and because hiring them has a discouraging effect on the morale of employees in the clerk's office who aspire to courtroom deputy positions. Although the clerks in most courts have (with the help of their chief judges) defeated occasional attempts by new judges to hire courtroom deputies from outside the clerk's office, these clerks indicated that they would find it difficult to oppose a judge intent on hiring his own courtroom deputy.

On occasion, a judge may find that his courtroom deputy is not performing up to expectations or that he and his deputy are separated by irreconcilable differences in personality or working style. In such instances, the judge in most courts will ask the clerk to change the assignment of the courtroom deputy. Although most judges are not permitted to dismiss courtroom deputies at will, most clerks admitted that they would be hard pressed not to remove a courtroom deputy that a judge insisted he did not want. Courtroom deputies who are relieved of their responsibilities may be dismissed, reassigned by the clerk to another judge, or if circumstances permit, returned to a position in the clerk's office.

Although the clerk of court is primarily responsible for the hiring and firing of courtroom deputies, the day-to-day supervision of deputies is often less directly within his control. As

noted earlier, in nearly half of the fifteen courts surveyed, courtroom deputies maintain offices within or directly adjacent to the chambers of the judge to whom they are assigned. Many clerks believe this arrangement facilitates service to the judge. In the other courts surveyed, however, the clerk has insisted upon the physical placement of courtroom deputies within his office to reinforce the fact that deputies are employees of the clerk (and not of the judge) and to facilitate his use and supervision of these deputies.

The extent of actual supervision of courtroom deputies by the clerk's office varies, of course, from district to district. Some clerks interviewed maintained that their degree of supervision was "close"; others indicated that they maintained "liaison" with the courtroom deputies but exercised no operational control over them. In nearly all of the courts visited, a mid-level supervisor in the clerk's office is responsible for supervising and coordinating the activities of courtroom deputies and for providing relief deputies during the absence of regular deputies. Usually vested with the title of director or deputy in charge of "courtroom services," "judicial operations," or "judicial support," these supervisors may also supervise docket clerks, the jury and naturalization sections, the pro se clerk or staff attorney, and Speedy Trial Act and Courtran operations, depending upon the administrative organization of the clerk's office.

Perhaps the degree of supervision by the clerk's office over

courtroom deputies in the various district courts is best indicated by the process of personnel evaluation. In about a third of the courts, the clerk (or, more accurately, the deputy clerk in charge) prepares the annual performance evaluations of courtroom deputies but consults, formally or informally, with each judge during this process. In approximately another third of the courts, the clerk's office prepares the evaluations with no input from the judge. In contrast, in at least two courts, judges are primarily responsible for preparing personnel evaluations of their deputies and forward their recommendations either directly to the Administrative Office or to the clerk for submission under the clerk's name.

The fifteen district courts studied use very different methods of recruiting and supervising court reporters as well. Each judge in the district court is served by a court reporter. According to 28 U.S.C. § 753, court reporters are to be appointed by "each district court."

In some courts, each judge is individually responsible for hiring a court reporter. In other courts, the reporters are hired by the entire court, which considers and usually accepts the recommendation of the judge to whom the reporter will be assigned or the recommendation of the permanent reporters already serving the court. Some clerks assist judges in locating candidates for vacancies and soliciting applications, but leave the final hiring decision to the judge or the court. In one court the task of recruiting court reporters has been delegated to a

"supervisor of court reporters," who works in the clerk's office. In an arrangement recently reached by this court and soon to be implemented, however, court reporter vacancies will be filled for the court by a panel of three court reporters. This panel will be responsible for advertising vacancies, screening applicants, conducting interviews, and checking professional credentials. The hiring decisions of the panel of reporters will then be implemented by the clerk.

The extent of supervision over the activities of court reporters varies from court to court as well. Supervision is most important on those occasions when a reporter is absent and a substitute is assigned to attend court. Court reporters must also be supervised to ensure that proper procedures for preparation and storage of transcripts are followed. Supervision is also important in ensuring that the workloads of court reporters are equal. Because the amount of time spent on the bench by each judge varies, court reporter workloads often become unequal, so that one reporter's transcripts may be delayed while another reporter has no official duties to perform.

In all but two courts, each permanent court reporter is assigned to a particular judge and works for that judge on a daily basis. In nearly all of these districts, reporters are supervised by a "chief," "supervising," or "administrative" court reporter, who may hold office by virtue of seniority, by serving as reporter to the chief judge, by being selected on a rotating basis, or by being elected to the position. In one court this

function has been performed by a "supervisor of court reporters," an individual (not a court reporter) who works in the clerk's office. This position is being phased out, however, and will be replaced in the near future by a three-member board of court reporters responsible for reporter supervision.

In two courts, court reporters are pooled and are not assigned to particular judges. In one of these courts, the available reporters are rotated among the judges on a weekly basis by the chief court reporter; in the other court, the reporters are rotated according to a schedule devised by an elected, five-member board of court reporters.

#### Administrative Details

Apart from the major responsibilities for recruiting, training, supervising, and evaluating the various individuals who staff the district court, there are additional administrative burdens associated with management of the court's personnel system. Payrolls must be administered and leave records maintained. Accurate personnel files must be kept, and a variety of personnel transactions (including appointments, salary changes, performance appraisals, transfers, reassignments, promotions, reclassifications, terminations, and retirements) must be processed through the Administrative Office. Current information concerning personnel regulations, health and insurance benefits, and retirement options must also be provided to employees.

The ways in which the district courts manage these adminis-

trative tasks exhibit both subtle and obvious differences. Generally, personnel files, leave records, and personnel actions for magistrates, court reporters, and employees of the clerk's office are managed by the clerk's office. The person in charge of these records may be a deputy clerk who specializes in personnel or the secretary or administrative assistant to the clerk of court. The same person often provides counseling on personnel matters and information on benefits, and does so not just for judges, magistrates, reporters, and employees of the clerk's office, but also for probation office personnel and employees of the offices of pretrial services and the public defender (in courts in which these offices exist).

In all courts, the clerk, as certifying officer, receives and distributes employee paychecks for the entire court. Individual departments, such as probation and pretrial services, maintain their own personnel files and process their own paperwork associated with personnel matters, however.

#### Equal Employment Opportunity and Employee Grievance Practices

The Judicial Conference has directed that each court adopt a personnel plan "in conformance with the national policy of providing equal employment opportunity to all persons regardless of their race, sex, color, national origin, religion, age, or handicap." The purpose of this plan is to promote equal opportunity in the recruitment, hiring, promotion, and advancement of court personnel. The equal employment opportunity plan was adopted to ensure that the head of each court support unit applies equal

employment opportunity practices and policies and, under the procedures recommended by the Judicial Conference, exercises final review over grievances filed under the provisions of the plan. A court's modification of the model plan must be submitted to the circuit council for approval.

The model plan calls for the appointment of an equal employment opportunity coordinator who is responsible for collecting and analyzing detailed statistics of the court's personnel actions. The coordinator will also be responsible for preparing an annual report for the chief judge and the Administrative Office concerning the court's achievements and deficiencies in promoting equal employment opportunity, including the informal resolution of complaints of discrimination.

At the time of the field visits conducted for this study, most of the courts were considering the model plan or had already adopted it with few or no modifications. In one court the clerk had designed and secured court approval for an equal employment opportunity plan based upon a synthesis of six plans from other federal and state courts.

Because these plans are in the process of formation or have only recently been adopted, experience in their administration is limited. One can assume, however, that the position of equal employment opportunity coordinator in each court will carry significant administrative burdens, especially with respect to the collection and analysis of statistics and the preparation of an annual report.

Many of the district courts studied have designated their clerk of court the equal employment opportunity coordinator because the coordinator's responsibilities complement many of the administrative duties the clerk already performs in relation to personnel actions for his own staff and for judges, magistrates, and court reporters. The reporting requirements of the new plan will, however, require additional effort on the part of the clerk to collect personnel statistics from the probation office and any other support units of the court. Anticipating the additional work that will attend this new function, several clerks have requested authorization from the Administrative Office for an additional full-time or part-time employee. These requests have all been denied.

Other courts have chosen not to make their clerk the equal employment opportunity coordinator because of the possible conflict of interest that could result when a discrimination complaint is registered against the clerk's office. One court has placed this responsibility in the administrative assistant to the chief judge; another has selected a full-time magistrate for the coordinator position; a third court has appointed a judge to handle equal employment opportunity complaints but has delegated to the clerk's office the statistical collection and reporting duties required under the plan.

The adoption of the equal employment opportunity plan in each court will provide formal procedures for the resolution of complaints of discrimination. Following investigation of a

complaint by the equal employment opportunity coordinator, consultation with the parties involved, an attempt to resolve the issue informally, and preparation of a report detailing the coordinator's findings, a complainant may seek final review by appealing to the chief judge or his designee. One court has already provided for a three-judge panel to consider these appeals.

This right of appeal to the chief judge mirrors what has existed in practice in most courts with respect to employee grievances generally. Typical employee grievances have included dissatisfaction with the annual performance appraisal or attempts by employees to prevent disciplinary actions against them or termination of their employment. In such instances, employees usually have had the right (although rarely exercised) to appeal the decision of a department head (such as the clerk or the chief probation officer) to the chief judge. Some courts have limited the right of appeal to only those employees facing the threat of termination and have not allowed employees to appeal annual appraisals or disciplinary actions short of termination. In any event, handling appeals from disgruntled employees has not been a major burden for chief judges.

#### Space and Facilities

With the exception of case management, perhaps no area of court administration consumes as much time and effort as the management of courthouse space and facilities. Space management

includes such diverse activities as allocating existing space among the court's judges and departments, managing the use of courtrooms by judges and government agencies seeking to conduct public hearings, coordinating movement of court furniture and equipment within the courthouse, and planning for the court's ever-growing needs for space. Facilities management refers to procurement and maintenance of furniture and furnishings, and management of the environment of courtrooms, judges' chambers, department offices, and other areas of the courthouse and its grounds. Procurement of furniture and furnishings is an often complex process: It requires contacting vendors, assembling competitive bids, placing orders, and securing timely delivery. Minor repairs and periodic maintenance of furnishings must be arranged with GSA to ensure that the courthouse is clean, adequately lighted, and properly heated or cooled. The court must also deal on a regular basis with its landlord, the GSA building manager (or, in a couple of districts, the United States Postal Service).

Not all courts visited face the same kinds or magnitude of problems in managing space and facilities. Apart from obvious differences among the fifteen courts in the number of judges and the size of supporting departments, recent rapid enlargement has resulted in major problems for some courts. Proper planning, congressional cooperation, and efficient administration have allowed some courts to suffer minimal growing pains and to enjoy spacious and modern accommodations. In other courts, however,

recent enlargement of the court's membership has created staggering space problems, and has required that the court manage the construction of new facilities while exercising considerable diplomacy in arranging for courtroom time to be shared among judges and in making temporary chambers as comfortable as possible.

Courts have experienced varying degrees of cooperation from GSA in providing maintenance and repairs. During the field visits, court members' descriptions of performance of these tasks ranged from "excellent" to "pitiful"; however, most courts found the GSA office serving their district to be sadly wanting. Indeed, GSA "horror stories" were often recounted during the field visits, with reports as extreme as angered judges threatening to hold GSA officials in contempt for failing to comply with court requests.

In most courts the judge's major task associated with space management is approval of a general plan for space allocation. If new space is required, judge committees may be active in exploring ways to secure it. If court facilities are being constructed, judges may become involved in final approval of design specifications submitted by GSA. Judges generally do not devote much time to the daily management of space, however. The exceptions are chief judges or other judges who have assumed primary responsibility for liaison with GSA or who have taken an active role in supervising new construction.

In most courts, the daily problems of space management have

been delegated to the clerk, to the administrative assistant to the chief judge, or, as occurs in Southern New York, to the coordinator of administrative services for the Second Circuit. These individuals are usually responsible for such matters as scheduling the use of courtrooms by outside agencies and coordinating moves within the courthouse of personnel and furniture. The movement of a judge into new chambers is a typical space management task; it not only requires a considerable amount of advance work to ensure that the judge's new chambers will be furnished and equipped in accordance with the judge's wishes, but also necessitates making arrangements for and supervising the movement of furniture, files, books, and personal effects into the new location. Moreover, in several courts, court clerks or their counterparts have been given responsibility for coordinating requests for additional space from various court departments and for working with the court, GSA, and the Administrative Office to secure needed space.

In most courts, the tasks of facilities management, including procurement and maintenance of courthouse furnishings and environs, have been delegated to the clerk, the administrative assistant to the chief judge (in Northern Illinois only), or the coordinator for administrative services (in Southern New York only). Within the clerk's office, responsibility for facilities management is often vested in a director of administrative services, who may also be responsible for such diverse activities as the court's fiscal operation, naturalization services, files and

records, jury supervision, and attorney admissions. In a few courts, facilities management devolves upon the secretary to the clerk, the clerk's administrative assistant, or the chief deputy clerk.

Whoever is assigned to facilities management usually carries out this responsibility for most members of the court, serving judges, magistrates, the clerk's office, the probation office, and in several courts, the offices of bankruptcy, pretrial services, and the public defender. The most extensive centralization of this function occurs in Southern New York, where the coordinator of administrative services for the Second Circuit handles all of the space and facilities requirements of all parts of both the circuit and the district court and, for some matters, of other district courts in the circuit. In contrast, in some districts, the clerk's office manages the facilities of its own office and of judges' and magistrates' offices, but is not responsible for the management of facilities in the other court departments.

Procurement is a major part of facilities management. The individual in charge of procurement must maintain the catalogs of furniture vendors, advise judges and departments on furniture choices, contact vendors and place orders, assure timely delivery of purchased items, and maintain a current inventory of all court property.

Repair and cleaning of furniture, carpets, drapes, or other furnishings requires the cooperation of the GSA building manager.

Requests for replacement of light bulbs or adjustments in heating or cooling must also be routed through the building manager. In most courts, judges' requests in this area are made to the individual in charge of facilities management, although judges may occasionally contact GSA directly concerning adjustments in lighting, heating, or cooling.

Needless to say, many subtle variations in administrative arrangements for facilities management exist among the district courts studied. In one court, for example, responsibility in this area is shared by the chief deputy clerk (who handles procurement and furniture inventory), the clerk's secretary (who handles work authorizations for repairs and refurbishings), and the clerk's administrative assistant (who handles space management and responds to judges' requests for adjustments in lighting or heating).

Because many of the functions associated with facilities management require payment of money to vendors or reimbursement to GSA, the clerk's office serves in all courts as the focal point for processing the necessary paperwork. Even in those courts in which primary responsibility for procurement and other aspects of facilities management is located outside the clerk's office (as in Northern Illinois and Southern New York), the clerk's office maintains responsibility for processing appropriate paperwork and for keeping track of the court's furniture and furnishings budget.

### Equipment and Supplies

Every district court makes use of a great variety of modern office equipment and supplies. Electric typewriters, word processors, calculators, photocopying machines, micrographic equipment, mail processing machines, telecopiers, and mechanized filing systems are among the items of equipment used in district courts. Office supplies used by the courts include such items as paper, stationery, photocopying materials, typewriter ribbons, paper clips, pens, and pencils. The chambers of each judge must also be supplied with a current set of the basic reference materials for legal research.

The methods used by district courts to procure office equipment and supplies depend in large part upon government regulations. Consumable office supplies are easily obtained by completion of a standard Administrative Office form and purchased in accordance with GSA regulations. Nonconsumable items are issued under federal property management regulations, and certain criteria must be satisfied before authorization is granted. To secure typewriters, calculators, dictaphones, photocopiers, word processors (or other electronic typewriting equipment with a large memory capacity), microfilm equipment, electronic mail processing equipment, and telecopiers (for facsimile transmission of documents by telephone wire), each court must seek prior approval in writing from the Administrative Office.

Although all court departments and chambers use the same basic office supplies, few courts have a centralized process for

ordering, receiving, storing, and issuing these items. In most courts, each department and each chambers is individually responsible for ordering its own supplies. In a few courts, the clerk has assumed responsibility for ordering the supplies for his own office and for judges and magistrates. Other court departments manage their own supply requirements independently. Even in courts in which the clerk procures supplies for the various chambers, judges' secretaries may also make direct supply requests for special items, such as a judge's personalized stationery.

Requests and justifications for new office equipment are also handled by each chambers and court department independently. Once the necessary authorization has been received from the Administrative Office, each office obtains delivery from the equipment vendor.

Since the initiative for acquisition of office supplies and equipment comes from individual chambers, it is not surprising that not all judges have taken advantage of the most technologically advanced equipment available. In some instances, of course, such equipment is not well suited to the working style of the judge or his staff. In many instances, however, judges and their staffs are simply not aware of the many timesaving devices available to them.

Some clerks of court have attempted to fill this information gap in their courts by serving as a clearinghouse of information on current office equipment. In other courts, the judges them-

selves have gradually become aware of the inefficiency of proceeding piecemeal in the acquisition of equipment and have instituted studies on both the needs for such items and the design of standard procedures for ordering them.

#### Budgeting and Accounting

Very little of the total budget of the district court is within the court's control. Apart from the annual budget allocations for furniture, most budget items are allocated directly by the Administrative Office in response to specific requests from the various districts. Accordingly, the district courts do not bear a heavy burden for either administering a budget or preparing annual requests and justifications. Nevertheless, the district courts must prepare and submit annual estimates for furniture budgets and personnel requirements to the Administrative Office.

The basic process for determining the furniture budget and staffing projections is essentially the same in every court visited. In response to requests for budget estimates from the Administrative Office, the clerk issues a memorandum to all judges, magistrates, the chief probation officer, and other court departments (such as the federal public defender's office and the bankruptcy office) asking for their submission of estimates on furniture needs. The clerk, the deputy clerk, or the secretary in charge of procurement then provides cost estimates for the items listed by the judges, magistrates, and departments. The

clerk also prepares a projection of his personnel needs based upon an analysis of expected workload and collects similar analyses from magistrates and the probation office when those estimates are called for by the Administrative Office. The estimates are then forwarded to the chief judge, often with a cover letter, for his signature and submission to the appropriate division of the Administrative Office.

Except on those rare occasions when he must temper the extravagant furniture requests of a colleague, the chief judge does not take an active part in formulating or reviewing the budget packages submitted to him. Nor are other members of the court generally closely involved in budget preparation beyond the needs of their own chambers. Two courts do, however, involve other court members in the budget preparation process. In Eastern Louisiana the furniture budget estimate is submitted by the clerk to the court's Furniture and Space Committee, which sends it to the chief judge. In Southern New York, furniture estimates are channeled through the Methods, Systems, and Means Committee, and personnel projections are submitted first to the committee that exercises supervision over the appropriate court department.

In sum, every court plays a relatively minor role in preparing the budget governing the court's daily operation. The court's impact upon the budgetary process is limited to the submission of projections for future personnel and furniture needs. Nevertheless, every district court houses a huge financial operation for managing the collection, disbursement, accounting, and

security of funds required for the daily maintenance and operation of the court.

Each court receives thousands of dollars from the collection of court filing fees, naturalization fees, and attorney admission fees, the sale of publications, the provision of administrative services (such as photocopying), and the payment of various fines, penalties, and forfeitures imposed by the court. The court also accepts funds and securities from litigants, government agencies, and the United States Treasury for safekeeping in registry accounts during the course of litigation. And the court must disburse money appropriated for the daily operation of the court to support such things as the expenses incurred by court support units, the payment of grand and petit jurors, and the procurement of the court's space and facilities.

In all courts the clerk's office has been assigned responsibility for carrying out these complex financial and accounting operations. In part, this authority has been granted by the director of the Administrative Office, who possesses the statutory authority to disburse the funds appropriated by Congress for operation of the federal court system (see 28 U.S.C. § 604(a)). In part, this authority for management of court fiscal operations has been provided for by the court. The clerk's central role in financial management is also recognized in various statutory provisions. Whatever the source of the authority, every clerk's office serves as the hub of the court's financial and accounting operations.

Court Security

All district courts share some basic problems with respect to the security measures necessary for protecting judges, court personnel, litigants (especially defendants), and members of the public. Judges' chambers must be immune from uninvited intrusions, and courtrooms must be safe for the court, lawyers, and the public. Security measures range from the issuance of courthouse keys and plastic cards for operating automated parking gates to safe transfer of criminal defendants from detention facilities to the courtroom. Each court also operates a form of screening by uniformed officers to prevent the carrying of concealed weapons or other prohibited items into the courthouse or courtrooms.

Although all of the district courts share common security goals, some courts face more severe problems than others do. Some courts must arrange for the redesign of old facilities to ensure adequate security, an often difficult task. Further, some courts experience trials that require heavy security measures more frequently than others do. Notorious defendants, highly publicized cases, or cases involving multiple defendants seem to occur in some courts more often than in others. Northern California, for example, held the highly publicized trial of Patty Hearst and more recently had to arrange for the simultaneous trial of twenty-two members of the Hell's Angels. The District of Columbia experienced the highly publicized and potentially dangerous trial of Cuban exiles for the assassination of a former

Chilean ambassador; Eastern Pennsylvania has faced the indictments and preliminary proceedings associated with the government's Abscam investigation; and Southern Florida constantly holds multidefendant trials of accused traffickers in narcotics. In such instances, providing for safe and orderly conduct of trials is extremely difficult, often requiring redesign of courtrooms or implementation of special procedures to accommodate the large numbers of press representatives and citizens who wish to observe the trial.

The means by which district courts meet common security needs also varies considerably. For example, some districts require the placement of a United States marshal in the courtroom during any criminal proceeding; regardless of the level of risk associated with a particular defendant or the security needs attached to specific proceedings, a marshal must be dispatched any time a judge is in court. In some courts, the usual local rule prohibiting the carrying of cameras or electronic recording devices into the courtrooms must be enforced by security officers through physical searches of briefcases and other personal items; in other courts, security officers rely upon warning signs and custom to enforce this prohibition.

Differences in security operations are important because they are easily concealed by the apparently uniform security practices of the major metropolitan district courts. On a day-to-day basis, security is administered by the Federal Protective Service (FPS) and by the United States marshal. FPS officers are

responsible for general building security; the marshal's office is responsible for courtroom security. Thus, although there are occasional jurisdictional disputes between the agencies, FPS controls access to the courthouse and its grounds (including operation of metal detectors or X-ray machines located at the entrance to the court), whereas the marshal's office is responsible for any screening that takes place at the door of individual courtrooms, maintains security within the courtrooms during criminal proceedings, transports incarcerated defendants to and from courtrooms, and responds to calls for assistance from judges' chambers.

In general, security plans for the courthouse and its environs are designed by the United States marshal and FPS in consultation with the court through its liaison judge, a standing committee on security, or (where standing committees or liaison judges are not used) the clerk of court. Once a general security plan has been devised, responsibility for enforcing it rests with the two security agencies. If courtroom facilities need to be remodeled or special procedures must be implemented to accommodate particular trials or proceedings, the coordination of the activities of the security agencies is usually carried out by the clerk or the administrative assistant to the chief judge. The individuals responsible for procurement and for liaison with GSA may become particularly involved when redesign of the courtroom is necessary or when special security devices must be obtained. If the district court occupies the same building as the circuit

court, the security coordinator for the circuit (or, as in the Second Circuit, the coordinator of administrative services) may also be involved in planning and implementing security arrangements.

Relations with the Bar, the Media, the Community,  
and Government Agencies

Each metropolitan district court must also manage its external relations with the bar, the media, the public, and assorted government agencies. Each of these groups or organizations makes particular demands upon the time of the court.

Relations with the Bar

The nature and extent of the relationship between the district court and the bar differ substantially among districts. Courts vary in the extent to which they attempt to accommodate the needs of the practicing bar and involve the bar in the consideration of reforms that affect the court's operation. The number and extent of demands made upon the court by the bar depend upon the size of the bar, the number of bar associations, and the range of their activities.

A few courts have used their standing committee or liaison judge structures to provide formal liaison with the bar. In other courts, by custom or informal practice, the clerk serves as the court's liaison to the bar. In addition, by virtue of his official position as chief administrative officer of the court, the chief judge is involved in coordinating relations between

bench and bar. This role is accentuated in those courts, such as Eastern Pennsylvania, in which the chief judge is the standing committee on "Bar and Public Relations."

The district courts are almost always involved in the annual programs of local bar associations. Judges and the clerk are often asked to address local bar association meetings or to participate in roundtable discussions of federal practice. Most of the clerks have, at one time or another, spoken to bar association meetings concerning procedures of the clerk's office. Chief judges and other judges are also routinely asked to participate in bar association activities. The burdens these activities place upon the members of the court vary, but they constitute an important part of the court's service to the community.

Involvement between members of the bench and bar also occurs when the court invites members of the local bar to join with judges in projects of one kind or another, ranging from redrafting of local rules to designing continuing education programs for the bar. This involvement varies with the governing structure of the court, the reform initiatives pursued, and the inclination of the court to invite lawyer participation.

Another aspect of the court's relations with the bar is the court's responsibility for lawyer discipline. Lawyer discipline cannot be delegated to nonjudge personnel, but it does not appear in most districts to consume much judge time. The amount of time lawyer discipline requires of judges varies according to the size of the bar, but no court reported serious burdens. District

courts tend to act upon matters of lawyer discipline after the state court system has taken action, when the district courts receive notice of this action. Upon notice from the state court of an attorney's disbarment, suspension, or censure, the district court issues an order to the disciplined attorney to show cause why the district court should not take a similar disciplinary action. In most instances the attorney does not respond, and the court imposes the discipline ordered by the state court. If an attorney responds to the order to show cause, the court may schedule a hearing by its standing committee on bar discipline (if it has one) or a small ad hoc committee appointed by the chief judge for this purpose. In most courts the tasks of receiving and screening notices from the state court and preparing show-cause orders are handled by the clerk's office; in Northern Illinois the administrative assistant to the chief judge performs these tasks. Disciplinary orders issued by the court are then entered by the clerk upon the roll he maintains of attorneys admitted to practice in the district.

#### Relations with the Media

Beyond providing space and telephone facilities in a press room, the court's relationship with the local press is usually a passive one. With perhaps one exception, district courts are not involved in issuing press releases or news announcements about either current cases or other court business. Although the media in each district are allowed free access to the clerk's files of

pending and past cases, judges and other court personnel do not comment on cases unless first approached by media representatives and rarely even then. Generally, each judge responds as he sees fit to publicity concerning the court's activities.

One area that requires some management of press relations with the court concerns the general prohibition upon the use of cameras or electronic recording devices in the courthouse or courtrooms. Naturally, on occasion it may be desirable to grant exceptions to these rules, such as when newsworthy ceremonial events are being conducted within the courthouse. In other instances, members of the press may seek permission to conduct filmed or recorded interviews on courthouse grounds.

The sharply divergent approaches two courts have adopted concerning the use of cameras and recording equipment in the courtroom illustrate the range of opinions of district courts on this issue. In one court, media inquiries concerning the use of cameras and recording devices are directed to the clerk of court or his chief deputy, either of whom by court rule has the power to waive the provisions of the local rule for ceremonial or newsworthy events other than formal proceedings being conducted in courtrooms. In another court, however, the chief judge insists upon personally considering such requests because he believes it his responsibility to protect the courthouse from the glare of publicity.

#### Relations with the Community

Every district court visited has at some time or another received requests from civic organizations or school groups to be given tours of the court building and to observe court proceedings. In nearly every court, such requests are sent either directly to the chief judge or to the clerk of court. The chief judge typically routes those requests to an administrative assistant or the clerk. The clerk or administrative assistant then arranges for the tour and consults with individual judges concerning courtroom visits. Depending upon the kind of group, the tour may be conducted by the clerk, his chief deputy, a subordinate employee of the clerk's office, or the administrative assistant to the chief judge. Except for tours given to visiting dignitaries, most chief judges have been spared these obligations.

#### Relations with Government Agencies

Each of the courts on occasion receives requests from congressional committees or government agencies to use courtrooms for public hearings on proposed legislation, administrative rules, or other matters. Such requests are directed to the individual responsible for scheduling courtroom use, in most instances a mid-level manager in the clerk's office in charge of "courtroom services" or "judicial support." The three chief

judges with administrative assistants call on these individuals to coordinate with the clerk's office the use of courtrooms by outside agencies.

#### Other Administrative Tasks

In addition to administrative duties in the areas of personnel, space and facilities, equipment and supplies, budgeting and accounting, court security, and community relations, the district courts must perform other miscellaneous administrative tasks. For example, routine correspondence to the court must be opened, read, and routed to the appropriate office for preparation of an appropriate response. Requests for information from the Judicial Conference, the circuit council, the Administrative Office, and the Federal Judicial Center must be answered. Arrangements must be made for the personal convenience of visiting judges, including the provision of staff and chambers.

How the courts manage these miscellaneous administrative matters depends upon the court's organization, the involvement of the chief judge in the details of his court's administration, the use made by the chief judge of his secretarial staff and his administrative assistant, and the role entrusted by the court to the clerk. Simple generalizations cannot be made.

During the field visits note was made, however, of the different ways in which the metropolitan district courts handle two recurring administrative tasks: the formulation of annual reports and the management of periodic judges' meetings.

#### Annual Reports

Some courts are required by their circuit councils to submit an annual report of the state of the district court. This report requires a review of the year's activities of all of the court's departments. In one court, the chief judge asks each of his liaison judges to prepare a report on the departments they supervised during the prior year. In some courts, the liaison judge merely asks the department head to prepare the report and then forward it with a cover letter to the chief judge; in other courts, the liaison judge prepares his own report for the chief judge. The chief judge then forwards the reports of his liaison judges to the circuit council with a brief cover letter that summarizes the reports' major points.

In another court, despite the existence of standing committees, the chief judge calls upon the clerk of court to prepare the annual report to the circuit council. After consulting with other department heads and the chief judge, the clerk prepares a report to the circuit council and submits it to the chief judge for his signature.

#### Judges' Meetings

The other recurring administrative responsibility in district courts is the management of periodic meetings of the judges of each court.

Most of the fifteen metropolitan district courts hold regularly scheduled monthly meetings, which range in length from one

and one-half hours to three hours. In most courts such meetings are conducted in the late afternoon or over an extended lunch hour so that any disruption they might cause in the judges' calendars will be minimal. Only the Board of Judges in Eastern Pennsylvania and the executive committees in Northern Illinois and Central California meet as often as weekly. Meetings of the whole court in the latter two districts are held in the following manner: The court in Central California meets once every two to three months; the court in Northern Illinois meets monthly except during the summer months.

Geographical dispersion militates against frequent meetings in some district courts. The New Jersey court meets three to five times per year. In Southern Texas, the entire court contingent meets perhaps only quarterly, although the judges based in Houston have one regularly scheduled monthly meeting and usually at least one additional, specially called meeting every month. In both New Jersey and Southern Texas, administrative matters that require immediate resolution are managed over the telephone or through written correspondence.

In eleven of the fifteen courts studied, the chief judge prepares the agenda for meetings of the judges, sometimes in close consultation with his administrative assistant or the clerk. Only in New Jersey and Northern Georgia does the clerk bear primary responsibility for preparing the agenda for meetings of the whole court. In Central California and Northern Illinois, the clerk prepares the agenda for meetings of the executive committee but not for meetings of the entire court.

When minutes of judges' meetings are kept, this task is usually performed by the most junior judge in attendance or by the chief judge. In five districts, the role of secretary has been assumed by the clerk, who is invited to all meetings of the whole court, except on those occasions when the judges want to consider some question in executive session. In two of these five districts, the chief deputy clerk also regularly attends judges' meetings and substitutes for the clerk in his absence. Clerks in Northern Illinois and Central California regularly attend and serve as secretary to executive committee meetings but not general meetings of their courts.

In the remaining courts, the clerk and other agency heads in the court attend judges' meetings only when invited to do so. These court members are usually invited for the purpose of making a presentation or providing background material or statistics on a policy issue facing the court. Some clerks (particularly those who assist their chief judges in preparing the agenda of the meetings) seem to enjoy more frequent and more extensive involvement in these meetings than others do.

One of the duties envisioned for the proposed position of assistant to the circuit executive is arranging and attending all meetings of the judges of the district, including preparing the agenda and serving as secretary in all such meetings. This is an area of sensitivity for some judges, who see judges' meetings as an opportunity for judges to engage in a frank exchange of views concerning matters that affect the administration of their court without fear of possible breaches of confidence by a nonjudge.

APPENDIX A

Court Members Interviewed in Field Visits to Fifteen  
Metropolitan District Courts

Northern District of Illinois (April 25 and May 27)

James B. Parsons, Chief Judge

Frank J. McGarr, Judge

Stanley J. Roszkowski, Judge

H. Stuart Cunningham, Clerk of Court

John Borris, Administrative Assistant to the Chief Judge

Perry Moses, Director of Administrative Services  
(Clerk's Office)

Peter Wilkes, United States Marshal

William Morrison, Regional Administrator, General Services  
Administration

Greg Jones, First Assistant United States Attorney

Leonard Coventry, Supervising United States Probation  
Officer

James Fogerty, Supervising United States Probation Officer

Collins T. Fitzpatrick, Circuit Executive, Seventh Circuit

District of Columbia (May 5)

William B. Bryant, Chief Judge

James F. Davey, Clerk of Court

Kris Sundberg, Administrative Assistant to the Chief Judge

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NOTE: Dates of field visits are given in parentheses.

Western District of Pennsylvania (May 12)

Gerald J. Weber, Chief Judge  
 Hubert I. Teitelbaum, Judge  
 Donald E. Ziegler, Judge  
 Gilbert W. Conley, Clerk of Court

Central District of California (May 15)

Malcolm M. Lucas, Judge  
 Edward M. Kritzman, Clerk of Court

Northern District of California (May 19)

Robert F. Peckham, Chief Judge  
 Spencer M. Williams, Judge  
 William L. Whittaker, Clerk of Court  
 Kumi Okamoto, Administrative Assistant to the Chief Judge  
 Roberta Ferriera, Administrative Assistant to the Clerk  
 George Ray, Director of Courtroom Services (Clerk's Office)  
 Marci Greene, Director of Administrative Services  
 (Clerk's Office)

Southern District of New York (May 23 and June 13)

Lloyd F. MacMahon, Chief Judge  
 Henry F. Werker, Judge  
 Raymond Burghardt, Clerk of Court  
 Frank Pisano, Coordinator of Administrative Services,  
 Second Circuit

Eastern District of Michigan (May 28)

John ~~Pe~~ikens, Chief Judge

James P. Churchill, Judge  
 Patricia J. Boyle, Judge  
 Stewart A. Newblatt, Judge  
 John P. Mayer, Clerk of Court  
 David R. Sherwood, Chief Deputy Clerk

District of Massachusetts (May 29)

Andrew A. Caffrey, Chief Judge  
 George F. McGrath, Clerk of Court  
 Austin Jones, Chief Deputy Clerk  
 Walter Doherty, Director of Administrative Services  
 (Clerk's Office)  
 Peter A. Skarmeas, Director of Judicial Operations  
 (Clerk's Office)  
 Barbara Kelley, Secretary to Clerk

Eastern District of Pennsylvania (May 30)

Joseph S. Lord III, Chief Judge  
 Alfred L. Luongo, Judge  
 Michael E. Kunz, Clerk of Court

District of New Jersey (June 11)

Clarkson S. Fisher, Chief Judge  
 Angelo Locascio, Clerk of Court

Eastern District of New York (June 12)

Jack B. Weinstein, Chief Judge  
 Jacob Mishler, Judge  
 Richard H. Weare, Clerk of Court

Northern District of Georgia (June 19)

Charles A. Moye, Jr., Chief Judge  
 Ben H. Carter, Clerk of Court  
 Spencer Mercer, Chief Deputy Clerk

Southern District of Florida (June 20)

C. Clyde Atkins, Chief Judge  
 James Lawrence King, Judge  
 Sidney M. Aronovitz, Judge  
 Eugene P. Spellman, Judge  
 Joseph I. Bogart, Clerk of Court  
 Melvin R. Stein, Chief Deputy Clerk

Eastern District of Louisiana (June 25)

Frederick J.R. Heebe, Chief Judge  
 Edward J. Boyle, Judge  
 Lansing L. Mitchell, Judge  
 Jack M. Gordon, Judge  
 Charles Schwartz, Jr., Judge  
 Adrian G. Duplantier, Judge  
 Nelson B. Jones, Clerk of Court  
 Loretta Whyte, Chief Deputy Clerk

Southern District of Texas (June 26)

John V. Singleton, Jr., Chief Judge  
 Jesse E. Clark, Clerk of Court

## APPENDIX B

Some Committee and Liaison Judge Arrangements Used in the  
 Fifteen Metropolitan District Courts Studied

Subject Matter Committees in the Southern District of New York

Administration of the Criminal Law (6 members)  
 Assignments (3 members, 2 alternates)  
 Bankruptcy (6 members)  
 Clerk's Office (6 members)  
 Collegiality (6 members)  
 Court Reporters (5 members)  
 Criminal Justice Act (5 members)  
 House and Space (7 members)  
 Internal Equal Employment Opportunity (8 members)  
 Juries (5 members)  
 Magistrates (6 members)  
 Methods, Systems, and Means (7 members)  
 Planning and Pilot Educational Programs (6 members)  
 Probation (6 members)  
 Relationships with the Bar and Discipline of Attorneys  
 (6 members)  
 Rules (6 members)  
 Security (6 members)

NOTE: Numbers in parentheses indicate the number of  
 committee members, where known.

Standing and Ad Hoc Committees in the Central District  
of California

Attorney Liaison (5 members)  
 Clerk's Office (4 members)  
 Development of Calendar for New Judges (5 members)  
 Interpreters (4 members)  
 Lawyers' Representative to Circuit Conference (4 members)  
 Magistrates (5 members)  
 Marshal's Office (3 members)  
 New Judgeships (4 members)  
 Probation (4 members)  
 Public Defender/Indigent Defense Panel and Psychiatrists  
 (4 members)  
 Reporters (4 members)  
 Rules, Orders, and Resolutions (5 members)  
 Security (2 members)  
 Space (4 members)  
 Speedy Trial Act and Calendar Relief (4 members)  
 Ad hoc committees on Arbitration, Bankruptcy, and  
 Metropolitan Detention Center

Liaison Judges in the Northern District of Illinois

Bankruptcy  
 Conferences, Seminars, and Special Events  
 Federal Defender Program  
 General Bar  
 General Services Administration  
 Library, Publications, and Opinions

Magistrates

Marshal's Office

Probation Office

Sentencing Council

Technology

United States Attorney

Ad hoc liaison assignments for Court Reporters, Juries,  
 Interpreters, Continuing Education, Implementation of  
 Devitt Committee Recommendations, and Law Schools

Standing Committees in the District of Columbia

Affirmative Action Plan (3 members)  
 Calendar (3 members)  
 Circuit Working Jury (3 members)  
 Court Reporters (3 members)  
 Criminal Justice Act/Appointed Counsel Program (2 members)  
 D.C. Bar-District Court Liaison (2 members)  
 D.C. Judicial Nomination Commission (1 member)  
 Disciplinary Panel--Disbarment (3 members, 2 alternates)  
 Federal-D.C. Courts (3 members)  
 Grievance (11 members)  
 Judicial Disabilities and Tenure (1 member)  
 Jury Commission (3 members)  
 Magistrates (3 members)  
 Personnel (2 members)  
 Rules (3 members)  
 Sentencing Problems (4 members)

Standing and Ad Hoc Committees in the Eastern District  
of Louisiana

Affirmative Action

Bankruptcy

Clerk's Office

Court Reporters

Criminal Justice

Furniture and Space

Local Rules

Magistrates

Marshal's Office

Probation Office

Public Relations

Registry of Funds

Security

Ad hoc committees on Appointment and Duties of New  
Magistrates, Development of Uniform Pretrial Order, Juror  
Parking, and Proceedings Regarding Medical Records

Standing and Special Committees in the Eastern District  
of Michigan

Attorneys for Indigents (3 members)

Central Library (3 members)

Clerk's Office (4 members)

Courtran (3 members)

Federal Detention Center (4 members)

Grand and Petit Juries (3 members)

Magistrates (3 members)

Magistrate Selection (4 members)

Marshal and Security (3 members)

Pretrial Diversion (3 members)

Probation (3 members)

Rules (3 members)

Special Committee on Appointment of Counsel in  
Discrimination Cases (4 members)

Special Committee on Law and the Media (2 members)

Special Energy Committee (chief judge)

Speedy Trial Planning (3 members)

U.S. Courthouse (4 members)

Standing Committees in the Western District of Pennsylvania

Assignment (2 members)

Court Practices (5 members)

Criminal Justice Act (3 members)

Disciplinary Rules (3 members)

Jury Utilization (4 members)

Liaison with State Courts (4 members)

Library (4 members)

Local Magistrates' Rules (4 members)

Local Rules (4 members)

Miscellaneous Matters Assignments (1 member)

Space Assignment and Utilization (4 members)

Speedy Trial Act (3 judges)

## THE FEDERAL JUDICIAL CENTER

The Federal Judicial Center is the research, development, and training arm 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 is chairman of the Center's Board, which also includes the Director of the Administrative Office of the United States Courts and six judges elected by the Judicial Conference.

The Center's **Continuing Education and Training Division** conducts seminars, workshops, and short courses for all third-branch personnel. These programs range from orientation seminars for judges to on-site management training for supporting personnel.

The **Research Division** undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, usually at the request of the Judicial Conference and its committees, the courts themselves, or other groups in the federal court system.

The **Innovations and Systems Development Division** designs and helps the courts implement new technologies, generally under the mantle of Courtran II—a multipurpose, computerized court and case management system developed by the division.

The **Inter-Judicial Affairs and Information Services Division** maintains liaison with state and foreign judges and judicial organizations. The Center's library, which specializes in judicial administration, is located within this division.

The Center's main facility is the historic Dolley Madison House, located on Lafayette Square in Washington, D.C.

Copies of Center publications can be obtained from the Center's Information Services office, 1520 H Street, N.W., Washington, D.C. 20005; the telephone number is 202/633-6365.

**END**