

**Seminar**  
for  
**NEWLY APPOINTED**  
**UNITED STATES**  
**DISTRICT**  
**JUDGES**

**January 13-19, 1980**  
**Washington, D. C.**

## SEMINAR OBJECTIVES

To orient participants in the principles of effective civil and criminal case management from filing to trial with the intent of increasing their judicial effectiveness and efficiency.

To reinforce participants' courtroom expertise by reviewing procedures and accompanying problems in the conduct of civil jury and nonjury as well as criminal jury and nonjury trials.

To augment participants' capability to conduct post trial proceedings in both civil and criminal cases by reviewing and analyzing the standards and conditions for verdicts, appeals, change of counsel, and records preparation.

To supplement participants' understanding of and capacity to administer judicious sentences by examining the relationship between judicial sentencing and the correctional process, and by exploring alternative sentences.

To augment participants' effectiveness in serving as mediators by investigating the proper role of the judge in the settlement process and by exploring alternative settlement approaches.

To clarify and reinforce participants' professional stature by reviewing the general principles of judicial ethics and the various proprietary relations and responsibilities of the federal judge.

To strengthen participants' comprehension of and capability to apply, as well as to rule on, the Federal Rules of Evidence by reviewing the general provisions and by analyzing significant sections of those rules.

To increase participants' understanding of and expertise in ruling on class action cases by providing an overview linking past practices with present developments and future anticipations.

PROGRAM

**Seminar For  
NEWLY APPOINTED  
UNITED STATES DISTRICT JUDGES**

**SUNDAY, JANUARY 13**

6:00 Reception....Dolley Madison House  
1520 H Street, N. W.

Chairman of the Seminar

Honorable William J. Campbell  
Senior Chairman - Center Seminar Programs,  
The Federal Judicial Center

# MONDAY, JANUARY 14

## Morning Session

9:00 OPENING REMARKS

*Honorable A. Leo Levin*

WELCOME

*Honorable William E. Foley*

GREETINGS

*Honorable Warren E. Burger*

9:15 GENERAL PRINCIPLES OF JUDICIAL ADMINISTRATION: what is the judicial function and how to discharge it; what are the basic principles on which the judge should act?

*Honorable Hubert L. Will*

10:30 INTERMISSION

10:45 MANAGEMENT OF THE CRIMINAL CASE FROM INDICTMENT TO TRIAL: judicial responsibility for docket control; the Speedy Trial Act, arraignment; bail; omnibus hearing or Rule 2.04 procedure; conventional motion practice; Jencks Act problems; publicity problems; disclosure of informants; disclosure of grand jury minutes; motions to suppress; one lawyer representing two or more defendants; severances; other recurrent problems; preparation of exhibits.

GUILTY PLEAS AND PLEA BARGAINING: preparation of an adequate record; matters that must be specifically mentioned; when the guilty plea must be rejected; investigation of plea negotiations; role of the judge with respect to plea negotiations.

*Judge Will*

*Honorable Edward R. Becker*

11:45 DISCUSSION PERIOD

*Judges Will and Becker*

12:15 LUNCHEON INTERMISSION

Afternoon Session

1:30 THE TRIAL OF THE CRIMINAL JURY CASE: preparation for trial including pretrial publicity, anticipating the unruly trial, the handling of exhibits, special arrangements for the press, pretrial conference with counsel; pretrial instructions to jury, long and complex cases, taking of notes, sequestering, charges to jury, impaneling a jury, voir dire, challenges, alternates, preliminary instructions to juries; sequestering of witnesses; opening statements, cautions to attorneys on content of, order of openings; objections to evidence; instructions to jury at recesses; judge's participation in trial questions by jurors; view of scene; preparation of jury charges, the Allen charge; summations by counsel; special problems in conspiracy cases; use of evidence; Jencks Act; verdicts, polling the jury, bail following conviction, presentence investigation; motions for new trial and other post trial motions; prisoner mail.

*Honorable Robert R. Merhige, Jr.*

*Honorable Donald S. Voorhees*

3:00 INTERMISSION

3:15 THE TRIAL OF THE CRIMINAL JURY CASE  
(continued)

*Judges Merhige and Voorhees*

4:00 DISCUSSION PERIOD

*Judges Merhige and Voorhees*

4:45 ADJOURNMENT

## **TUESDAY, JANUARY 15**

### Morning Session

9:00 THE CRIMINAL NONJURY TRIAL: how does a criminal case reach trial by the court; the "active" and the "passive" judge; questions from the bench; rulings on evidence, findings.

*Honorable Frank J. McGarr*

9:45 POST TRIAL PROCEEDINGS IN CRIMINAL CASES: standards for a verdict or acquittal; standards for new trial; advising defendant of right to appeal; when may the prosecution appeal; enlargement of defendant on bond pending appeal; duties of trial judge after notice of appeal is filed; problems in speedy preparation of the record; appointment of counsel when trial counsel withdraws or is fired; prisoner petitions under §1983 and habeas corpus petitions.

*Judge McGarr*

10:00 DISCUSSION PERIOD

*Judge McGarr*

10:30 INTERMISSION

10:45 MANAGEMENT OF CIVIL CASE FLOW FROM FILING TO TRIAL: application of the principles of judicial responsibility for case management; principles of calendar control and management; types of calendars, master and individual; certificates of readiness; inventory of cases; minimum records for statistical purposes; time schedules; preliminary pre-trial or status conference; setting cases for trial; requests for continuances; prior engagements of counsel; dismissal calendars; the general purpose of discovery; control of discovery by the judge (or magistrate); adopting a philosophy on discovery motions; motions addressed to the pleadings; summary judgment; ex parte motions; motions to dismiss; converting a hearing on a motion into a pretrial conference; oral argument or submission of motions on written statements, Rule 78, F.R.C.P. and pretrial conferences - formal and informal; when not to require a formal pretrial order.

*Honorable Charles B. Renfrew*

11:45 DISCUSSION PERIOD

*Judge Renfrew*

12:15 LUNCHEON INTERMISSION

## Afternoon Session

1:30 THE CIVIL NONJURY TRIAL: conducting the nonjury trial; problems of evidence; questioning of witnesses by the court; the submission of proposed findings; draft findings of fact in narrative form or in numbered paragraphs; objections to and the settlement of findings of fact; problems in the entry of judgment; how to prepare a memorandum decision; how and when to decide a case from the bench; how and when to prepare a written opinion; suggestions in writing style; and effective use of in limine motions and rulings; techniques and bifurcated trials.

POST TRIAL PROCEEDINGS IN CIVIL CASES: post trial motions; difference between standards for entry of judgment n.o.v. and new trial; standards for remittitur; when is a transcript necessary for the decision of post trial motions; the role of the trial judge after notice of appeal; assessment of costs.

*Honorable Sherman G. Finesilver*

2:30 DISCUSSION PERIOD

*Judge Finesilver*

3:15 INTERMISSION

3:30 THE TRIAL OF THE CIVIL JURY CASE: preparation, tempo, empaneling the jury; jury orientation; history and importance of trial by jury; who does voir dire; challenges; juries of six; stipulating to verdicts of less than twelve (or six) jurors in lieu of



(or in addition to) alternates; preliminary charge to the jury in complicated cases; opening statements; informing the jury as to uncontested facts and the stipulated qualifications of experts; order of presenting evidence; handling objections and arguments of law during trial; video tape, telephone testimony and depositions; copies of exhibits for the jury; examination of exhibits during recess; demonstrative evidence and impromptu demonstrations; questions by jurors; note taking; cautionary instructions upon separation of a jury; recurring problems of evidence; motions at close of plaintiff's case and conclusion of evidence; the preparation of the charge to the jury; use of standardized or stock instructions; requests to charge; conference on instructions; fixing length of time for closing argument; informing counsel of refusal to charge; manner and technique of delivering the charge; the pros and cons of giving the jury a copy of the charge; sending exhibits, documents, etc. to the jury room; answering jury questions; receiving the verdict; the problem of the hung jury; special interrogatories and special verdicts.

*Judge Renfrew*

*Honorable George N. Leighton*

5:00 ADJOURNMENT

**WEDNESDAY, JANUARY 16**

Morning Session

9:00 THE TRIAL OF THE CIVIL JURY CASE (continued)

*Judges Renfrew and Leighton*

9:45 DISCUSSION PERIOD

*Judges Renfrew and Leighton*

10:30 INTERMISSION

10:45 THE ROLE OF THE JUDGE IN THE SETTLEMENT PROCESS - SETTLEMENT APPROACHES: administrative and substantive values; the importance of settlement; when to discuss settlement; divergence of views; imposing deadlines; pretrial procedure; off the record conferences degree of liability and damages; Lloyd's of London; discussion of figures; "settlement conference date"; judge as mediator; other techniques for encouraging settlement; "pressureless" atmosphere; impartiality; common ground; the importance of listening; conflict control; transferring cases to other judges; the closing.

*Honorable Frederick B. Lacey*

11:30 DISCUSSION PERIOD

*Judge Lacey*

12:00 LUNCHEON INTERMISSION

Afternoon Session

1:30 THE ADMINISTRATIVE OFFICE OF THE U. S. COURTS

*Honorable William E. Foley*

*Joseph F. Spaniol, Jr., Esquire*

*James E. Macklin, Jr., Esquire*

2:45 INTERMISSION

3:00 FEDERAL JUDICIAL SYSTEM: structure and  
governance.

*Professor Levin*

3:45 DISCUSSION PERIOD

*Professor Levin*

4:00 THE RELATIONSHIP OF THE FEDERAL JUDGE TO THE  
DEPARTMENT OF JUSTICE

*Honorable Wade H. McCree, Jr.*

4:30 ADJOURNMENT

7:00 DINNER AT THE SUPREME COURT  
Black Tie Preferred

## THURSDAY, JANUARY 17

### Morning Session

9:00 AN OVERVIEW OF FEDERAL CLASS ACTIONS - PAST,  
PRESENT AND FUTURE

*Professor Arthur R. Miller*

10:30 INTERMISSION

10:45 AN OVERVIEW OF FEDERAL CLASS ACTIONS - PAST,  
PRESENT AND FUTURE (continued)

*Professor Miller*

12:00 LUNCHEON INTERMISSION

Afternoon Session

1:30 JUDICIAL ACTIVITIES AND ETHICS: relations with the bar; avoidance of impropriety; ex parte communications; personal investments and relations; social relations; relations with the press; charitable, political, and fund raising activities; taking formal positions on legislative proposals; reports of outside income; the Code of Judicial Conduct for United States Judges, the function of the Joint Committee; the Advisory Committee and the Review Committee of the Judicial Conference.

*Honorable Cornelia G. Kennedy*

2:15 DISCUSSION PERIOD

*Judge Kennedy*

3:00 INTERMISSION

3:15 EMPLOYMENT DISCRIMINATION LAW AND FEDERAL CIVIL RIGHTS LITIGATION

*Honorable Charles R. Richey*

4:45 ADJOURNMENT

**FRIDAY, JANUARY 18**

Morning Session

9:00 THE FEDERAL RULES OF EVIDENCE: general provisions; judicial notice; presumptions in civil actions and proceedings; relevancy and its limits; privileges; witnesses; opinions and expert testimony; hearsay; authentication and identification; contents of

writings; recordings, and photographs, miscellaneous rules.

*Professor Irving Younger*

10:30 INTERMISSION

10:45 THE FEDERAL RULES OF EVIDENCE (continued)

*Professor Younger*

12:15 LUNCHEON INTERMISSION

Afternoon Session

1:30 THE FEDERAL RULES OF EVIDENCE (continued)

*Professor Younger*

3:00 INTERMISSION

3:15 THE FEDERAL RULES OF EVIDENCE (continued)

*Professor Younger*

4:30 ADJOURNMENT

## **SATURDAY, JANUARY 19**

Morning Session

9:00 SENTENCING AND CORRECTIONS - A PANEL DISCUSSION: the correctional process in the federal government is one of divided interacting responsibilities: investigation and recommendations come from the probation service and to a limited degree from the Bureau

of Prisons, correctional programs for and custody of incarcerated offenders rest with the Bureau of Prisons; release of incarcerated offenders is the responsibility of the Parole Commission, supervision of conditionally released offenders on probation or parole is the obligation of the Probation Service. Each of these agencies is controlled to some extent by the sentencing decision, but each of them also has responsibilities independent of the judges' direction. Panelists will discuss the policies that guide their operations and the interaction with the judicial sentence.

MODERATOR

*Honorable Patrick E. Higginbotham*

PANELISTS:

9:10....*Anthony Partridge, Esquire*

9:40....*Honorable Norman A. Carlson*

10:00....*Donald L. Chamlee*

10:20....*Honorable Dorothy Parker*

10:45 INTERMISSION

11:00 DISCUSSION PERIOD

*Judge Higginbotham and Panelists*

12:45 CLOSING REMARKS AND ADJOURNMENT

*Judge Campbell*

## DISCUSSION LEADERS AND PANELISTS

Honorable Edward R. Becker  
United States District Judge  
Eastern District of Pennsylvania  
Philadelphia, Pennsylvania

Honorable Warren E. Burger  
Chief Justice, Supreme Court of the  
United States  
Washington, D. C.

Honorable William J. Campbell  
Senior Chairman - Center Seminar Programs  
The Federal Judicial Center  
Washington, D. C.

Honorable Sherman G. Finesilver  
United States District Judge  
District of Colorado  
Denver, Colorado

Honorable Patrick E. Higginbotham  
United States District Judge  
Northern District of Texas  
Dallas, Texas

Honorable Cornelia G. Kennedy  
United States Circuit Judge  
United States Court of Appeals  
for the Sixth Circuit  
Detroit, Michigan

Honorable Frederick B. Lacey  
United States District Judge  
District of New Jersey  
Newark, New Jersey

Honorable George N. Leighton  
United States District Judge  
Northern District of Illinois  
Chicago, Illinois

Honorable Wade H. McCree, Jr.  
Solicitor General  
United States Department of Justice  
Washington, D. C.

Honorable Frank J. McGarr  
United States District Judge  
Northern District of Illinois  
Chicago, Illinois

Honorable Robert R. Merhige, Jr.  
United States District Judge  
Eastern District of Virginia  
Richmond, Virginia

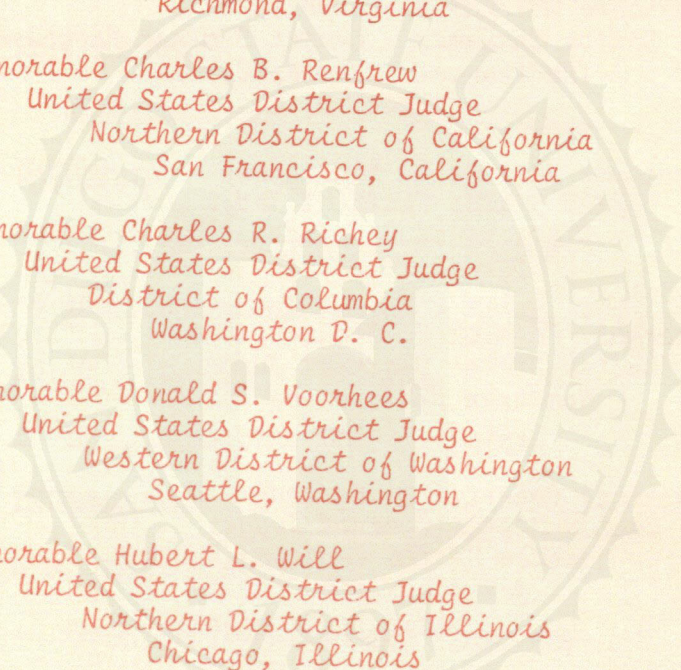
Honorable Charles B. Rengrew  
United States District Judge  
Northern District of California  
San Francisco, California

Honorable Charles R. Richey  
United States District Judge  
District of Columbia  
Washington D. C.

Honorable Donald S. Voorhees  
United States District Judge  
Western District of Washington  
Seattle, Washington

Honorable Hubert L. Will  
United States District Judge  
Northern District of Illinois  
Chicago, Illinois

Honorable Norman A. Carlson  
Director  
Federal Bureau of Prisons  
Washington, D. C.





Honorable William E. Foley  
Director  
Administrative Office of the  
United States Courts  
Washington, D. C.

Donald L. Chamlee  
Assistant Chief and Editor  
Division of Probation  
Administrative Office of the  
United States Courts  
Washington, D. C.

Honorable A. Leo Levin  
Director  
The Federal Judicial Center  
Washington, D. C.

James E. Macklin, Jr., Esquire  
Assistant Director  
Plans and Program Management  
Administrative Office of the  
United States Courts  
Washington, D. C.

Professor Arthur R. Miller  
Harvard University Law School  
Cambridge, Massachusetts

Honorable Dorothy Parker  
Commissioner  
U. S. Parole Commission  
Washington, D. C.

Anthony Partridge, Esquire  
Project Director  
Research Division  
The Federal Judicial Center  
Washington, D. C.

Joseph F. Spaniol, Jr., Esquire  
Deputy Director  
Administrative Office of the  
United States Courts  
Washington, D. C.

Professor Irving Younger  
Cornell Law School  
Ithaca, New York





### **The Dolley Madison House**

One of Washington's most historic buildings, this house was built in 1820 and purchased by President Madison in 1828. Following the death of the President in 1836, Mrs. Madison moved from their Virginia home to return to this house and the Washington life she so much loved. She died here in 1849. In 1940 the house was purchased by the United States Government. Refurbishing was completed in the fall of 1968, and it was formally dedicated as the headquarters of the Federal Judicial Center, November 1, 1968, by Chief Justice Earl Warren.