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Beverly Blair Cook
University of Wisconsin

THE SOCIALIZATION OF NEW FEDERAL JUDGES: IMPACT ON DISTRICT COURT BUSINESS

BEVERLY BLAIR COOK*

For ten years the federal court system has offered an introductory seminar to newly appointed district (trial) judges. The manifest purpose of the seminars is to prepare the neophyte federal judge to share the caseload of his district with maximum efficiency by training him in the newest techniques of case processing. The seminars are an experiment in specific socialization to the requirements of the judicial role, since "the craft of judging is neither taught in the course of university legal education nor learned by experience as a lawyer."[1] This study first examines the related forces — heavy caseloads and omnibus judgeship acts — which impelled the judicial system to develop a socialization program for its new members. Next it traces the impact of the seminar training upon judicial output by comparing the statistical record of multi-judge districts with larger and smaller percentages of "educated" members. Then other socialization factors, such as prior position and judicial leadership experiences, are included in the analysis.

I. INTRODUCTION TO JUDICIAL SOCIALIZATION

Socialization involves individual learning of the behavioral patterns and the values of institutional roles.[2] The process of socialization can be studied from the point of view of the organization which needs appropriately indoctrinated members or from the point of view of the new position-occupant, with personal motives to "fit in" or to superimpose his own values. Most political socialization studies have concerned the learning by children of political attitudes toward the governmental community in which they are born.[3] A few have concerned

*Associate Professor of Political Science, University of Wisconsin-Milwaukee.

1. Winters & Allard, *Judicial Selection and Tenure in the United States*, in THE COURTS, THE PUBLIC, AND THE LAW EXPLOSION 172 (H. Jones ed. 1965).

2. *See* K. LANGTON, POLITICAL SOCIALIZATION 3 (1969); LEARNING ABOUT POLITICS xii (R. Sigel ed. 1970).

3. Easton & Dennis, *The Child's Image of Government*, 361 ANNALS 40 (1965); Lawson, *Development of Patriotism in Children — A Second Look*, 55 J. PSYCH. 279 (1963).

one political elite, the legislator, and his adaptation to a specialized governmental organ.[4] There have been no social science studies about how a new judge learns his role, about the nature of (or conflicts among) the attitudes and actions demanded of the new judge, or about the new agencies of judicial socialization.[5]

The theorists of adult socialization have suggested several ways of classifying a socialization process.[6] Preparation for the role may occur before or after the position is occupied; if before, the process is called 'anticipatory socialization'. The agency of socialization may express a neutral or affective attitude toward the participants. The environment of a socialization process may range from extremely formal programs to informal patterns of communication. The subjects of the orientation may have an equal or subordinate relationship to the agents of the organization and may learn in a collective or a one-to-one basis. A formal program may occur once or be repeated serially for successive occupants of the same position.

In the United States, unlike European countries, there is no formal anticipatory socialization for judges. The lawyer ambitious for a judicial position prepares himself in varying ways for the eventuality. He may, for example, shape his legal and political career toward satisfying the recruitment requirements to the judicial office rather than the role expectations for its occupancy. Grossman suggests that "the norms of selection give the initial cues as to the type of training and preparation which might lead to the federal bench."[7] Although the federal court

4. Price & Bell, *Socializing California Freshman Assemblymen*, 23 WESTERN POL. Q. 166 (1970); Gertzog, The Socialization of Freshmen Congressmen (paper delivered to 66th Annual Meeting, Am. Pol. Sci. Ass'n, Los Angeles, September 10, 1970).

5. One of the earliest readers on judicial process covered almost every aspect of the subject but judicial socialization. THE COURTS: A READER IN THE JUDICIAL PROCESS (R. Scigliano ed. 1962). Another reader covers perceptions of judicial role and a third the appointment process but both neglect judicial education. COURTS, JUDGES AND POLITICS: AN INTRODUCTION TO THE JUDICIAL PROCESS (W. Murphy & C. Pritchett eds. 1961) and CONSTITUTIONAL LAW IN THE POLITICAL PROCESS (J. Schmidhauser ed. 1963). A short 1967 reader also jumps from selection to decision-making without consideration for role-socialization. LAW, POLITICS, AND THE FEDERAL COURTS (H. Jacob ed. 1967). Even a 1968 reader was unable to find an article on federal judicial education to include. THE FEDERAL JUDICIAL SYSTEM: READINGS IN PROCESS AND BEHAVIOR (S. Goldman & T. Jahnige eds. 1968). In his textbook on American court systems, Glendon Schubert devotes two sentences to federal seminars. JUDICIAL POLICY-MAKING 46 (1965). In the first social science textbook exclusively on federal courts published in 1970 there is no description of the socializing function of the new judge seminars or sentencing institutes. R. RICHARDSON & K. VINES, THE POLITICS OF FEDERAL COURTS (1970).

6. O. BRIM, JR. & S. WHEELER, SOCIALIZATION AFTER CHILDHOOD 34-37 (1966).

7. J. GROSSMAN, LAWYERS AND JUDGES 20 (1965) [hereinafter cited as GROSSMAN].

system would not admit it, the expectations for bench candidates are not uniform. Due to the decentralization of recruitment by state through Senatorial courtesy and to the uneven geographic distribution of opportunities for distinguished careers at the bar, the qualities demanded of judicial hopefuls may differ by place and time. In a study of 300 appointments to the federal district bench from 1929 to 1955, Burke concluded that each choice had its peculiarities, but that such elements as party, friendship, geography and senatorial courtesy were important and race, religion, age, education, ideology, professional qualifications and character were of minor significance.[8] Although the American Bar Association would like to utilize the selection process as a stage of socialization, by limiting selection to "those lawyers who have conformed to the established norms and who therefore give promise of fulfilling the judicial role in an expected manner,"[9] the history of district appointments emphasizes the diversity of new federal judges' preparation for office.

After appointment the socialization of the federal judge ordinarily has proceeded on an informal, ad hoc, one-to-one basis. His major mentors were hold-over court personnel in subordinate positions. If his predecessor were alive or if he joined a large bench, he could ask advice from his peers. Contacts with trial judges outside his district or with appellate judges were infrequent. The district chief judge takes some responsibility for the newcomer on an affective or brotherly basis. Even the circuit chief judge helps to introduce him to the regional court system but in a more neutral way.[10] The circuit chief judge and the judicial council may perform socializing tasks through their power to direct the trial judge, but their educational functions are secondary to those of administration and control.

Formal socialization for the district judge began in 1939 with the legal creation of the circuit judicial conference as a serial event. The chief judge of the circuit is required to call the annual meeting of all federal trial and appellate judges serving in one circuit, and the judges are

8. R. Burke, The Path to the Court: A Study of Federal Judicial Appointments 314-335 (Ph.D. dissertation, Vanderbilt, 1958).

9. GROSSMAN 20.

10. Chief Judge Hastie of the third circuit testified before the Senate Judiciary Committee in 1969 that: "We think it is a wholesome thing, for a district judge to have the experience at least once of sitting with the appellate court, observing first hand from his own participation the appellate process. . . . So we do invite each judge within the first year or two after he has been appointed." *Hearings Before the Subcomm. on Improvement in Judicial Machinery of the Senate Comm. on the Judiciary*, 91st Cong., 1st Sess. 366 (1969).

required to attend "for the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit."[11] Although the format of the programs differs among the eleven circuits, ordinarily speeches, panels or seminar discussions are included.[12] In 1963 the Committee on Pretrial Procedure (of the U.S. Judicial Conference) "suggested that a portion of the annual judicial conference of each circuit be set aside for a discussion of problems relating to judicial administration, discovery, pretrial procedure and calendar control."[13] Some years the Administrative Office provides to each conference a packaged presentation, such as the explanation of the new magistrate system in 1969.[14] This vehicle of collective socialization by peers in an affective atmosphere has helped to break down the isolation of the trial judge within his circuit, but its consequences have been limited by the infrequency and short duration of the meetings.

The creation of the Administrative Office of the U. S. Courts (AOC) in 1939 had a more profound socialization import for the trial judges.[15] Although direct contact with the national agency through visits or studies was unusual, regular formal communication was maintained through the reporting forms mailed to Washington by the judge's clerk and the statistics, reports and letters returned to the judge in a continuous flow. The major function of the AOC was information and control, but in the process each judge learned from a neutral source what was expected of him.

The formal socialization agencies of interest in this research are the new judge seminars. These seminars involve a dominant-subordinate relationship between teacher and pupil, since the experienced judges act as instructors, the national-level administrators as resource people, and the newly appointed judges as the pupils. The programs are formal in the sense that a schedule of courses, discussions, study periods and special addresses is arranged, but the atmosphere is friendly. The seminars are collective educational experiences, since the judges attend in groups of approximately thirty. They are serial, since similar groups of new judges go through the same orientation from time to time. This format of

11. 28 U.S.C. § 333 (1968).

12. *See, e.g., Thirty-First Annual Judicial Conference, Third Judicial Circuit, Proceedings,* 47 F.R.D. 383 (1968).

13. U.S. JUDICIAL CONFERENCE, REPORT OF THE PROCEEDINGS 101 (Sept. 17-18, 1963).

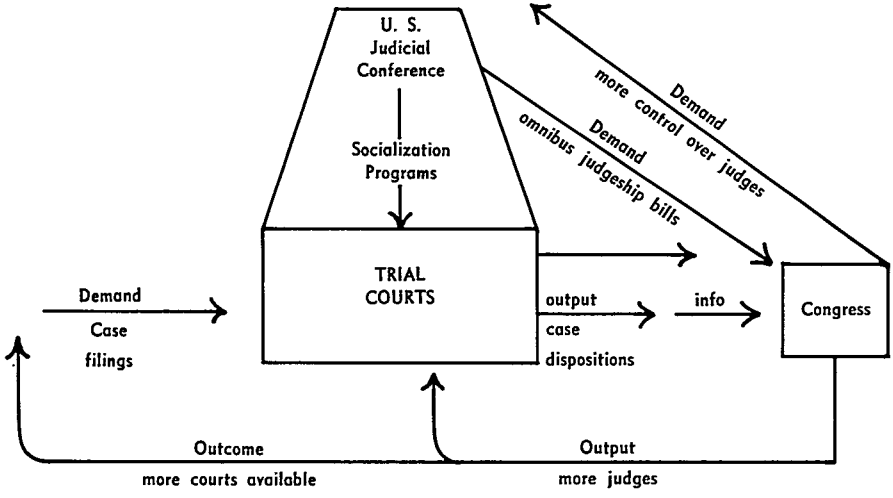
14. *Magistrate Panel Programs,* 1 THE THIRD BRANCH 5 (May, 1969).

15. 28 U.S.C. § 601 (1968).

indoctrination of small groups by experienced occupants of the same position was developed in response to two related pressures on the district courts: the unevenly spiraling caseload and the sporadic increases in judgeships. (See Diagram 1.)

DIAGRAM 1.

PRESSURES ON THE FEDERAL JUDICIAL SYSTEM



II. External Pressures toward Socialization Programs: Rising Caseloads and Omnibus Judge Bills

The number of civil cases filed in federal district courts in fiscal 1960 was 49,852 and in 1969, 77,193 for an increase of 55%, and the number of criminal cases filed was 29,828 in 1960 and 35,413 in 1969 for an increase of 19%.[16] During that period the number of judicial positions increased from 226 to 332, or 47%.[17] An even distribution of cases among the judges in 1960 would have given each judge 220 civil cases and 132 criminal cases and in 1969, 239 civil cases and 110 criminal cases. However, since the filings are not evenly distributed, the weighted caseload may indicate the burden more accurately. In fiscal 1963, the first year of such a computation, the average load for a district judge was 251 weighted cases, 195 civil and 56 criminal, and in 1969, 289 total, 225 civil and 64 criminal.[18]

The caseload was not predictable by traditional variables of population increase or economic change. Instead, large increases related to political or social decisions made outside the sphere of the trial courts by other governmental bodies or by private groups. The electric equipment industry cases burdened the civil dockets with protracted cases in the early 1960's and inspired the seminars on protracted litigation.[19] In 1964 and 1965, the number of applications of persons in custody after convictions in federal or state courts placed another heavy burden on the civil docket.[20] Criminal cases increased sharply beginning in 1965, as a result of removals from state courts under the Civil Rights Act.[21] By 1966, civil cases pending over three years had increased alarmingly, particularly in the Southern District of New York (S.D.N.Y.), the Eastern District of Pennsylvania (E.D.Pa.), and the Eastern District of Louisiana (E.D.La.).[22] In 1968, the number of selective service cases increased and the civil rights cases temporarily decreased.[23] In 1969, civil cases in the areas of narcotics committments

16. Ad. Office of the U.S. Cts., Annual Report of the Director, Tables C-1 & D-1 (1960 & 1969) [hereinafter cited as Annual Report].

17. The number of authorized judgeships was 340; in 1969, there were 18 vacancies at the end of the fiscal year. *Id.* 133, 135.

18. *Id.* Table X-1 (1964 & 1969).

19. *Id.* 112 (1963).

20. *Id.* 113 (1964), 88 (1965).

21. *Id.*

22. *Id.* 69 (1966).

23. *Id.* 86-87 (1968).

and social security acts and criminal cases concerning the draft and illegal immigration increased rapidly.[24]

Although poorly trained or slow judges could still handle the caseload in some districts, the pressures in most metropolitan courts required vigorous judges with competence in handling dockets and trials. The strong demands made of the court system to deal efficiently with backlogs and congestion led the U.S. Judicial Conference to develop justifications periodically for expanding the size of the trial courts. After 1957, district judges participated in making decisions on new judgeship proposals as regular members of the Conference, one district representative per circuit. The process by which the need is recognized involves two committees of the Conference, the Committee on Statistics which reported with the assistance of the AOC Procedural Studies and Statistics Division and the Committee on Administration which added the human equation, i.e. personal and health problems, distance between court locations, etc.[25] At the time the committee conclusions are reported, the chief judge of each circuit and the district representative have an opportunity to present their evaluations, before the final Conference vote. When Congress delays in its consideration, the Conference may modify its recommendation several times, usually increasing the number of judgeships requested, until passage of the act.

Paradoxically, creating new judgeships in an endeavor to relieve the courts of external pressure temporarily adds to their burden. The new judges are often strangers to federal practice. They need to master federal procedure and to review and update whatever substantive federal law they learned years ago in law school. New judges are not an instant solution to congestion and delay in the courts. Moreover, the presence of new judges on a metropolitan bench may encourage lawyers to bring cases they would hesitate to subject to bottlenecks. In 1965 one congressman noted that more judges generate more business for the courts.[26] Nevertheless, new judgeships have been one consistent response to the increasing utilization of the federal jurisdiction by litigants, the consumers of its "justice" product.

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24. *Id.* 89-90 (1969).

25. *Omnibus Judgeship Legislation — A Critical Need,* address by Bernard G. Segal, First Conference on Court Congestion, in 104 CONG. REC. 11749 (1958).

26. *Hearings on Federal Courts and Judges Before Subcomm. No. 5 of the House Comm. on the Judiciary,* 89th Cong., 1st Sess. 193 (1965). The research for this section was conducted with the substantial assistance of Mrs. Carole Southerland, Ph.D. candidate in the Department of Political Science, University of Wisconsin-Milwaukee.

All new judgeships have been created in omnibus packages in the last five presidential administrations, except for five temporary positions made permanent. The omnibus bills provided for 21 new district seats in 1949, 27 in 1954, 63 in 1961, 35 in 1966, and 61 in 1970.[27] Each act confronted national judicial leaders with the problem of absorbing entire groups of new judges for the new positions, beyond the normal turnover from retirements and deaths.[28] Half of the 300 judges who attended seminars between 1960 and 1970 were the first occupants of their bench seats. The Shafroth report, which grew out of the concern of the U. S. Judicial Conference with dislocating gluts of judges after periods of famine, proposed surveys every four years to be followed by appropriate recommendations to Congress for the adjustment of the size of the federal districts at regular four-year intervals.[29]

Although the 1949 judgeship bill is considered the original omnibus act, the federal judiciary had urged large additions to the bench earlier. In 1934, Chief Justice Hughes wrote to President Roosevelt, reporting on the recommendations of the Conference of Senior Circuit Judges that twelve temporary district judgeships be made permanent.[30] In 1939, the Conference asked for ten additional district judgeships.[31]

In 1949, after hearing arguments that judicial business was increasing as an aftermath of World War II, of major federal programs, and of population increases, Congress approved eighteen trial judge positions and rejected one, and added three not requested by the Conference, for a total of twenty-one.[32] The 1954 omnibus bill created 27 new positions for the Eisenhower administration to fill. The Conference had requested 31

27. *See* 1950 Amendments, ch. 708, 64 Stat. 443; ch. 819, § 1, 64 Stat. 562; ch. 848, § 1, 64 Stat. 578; 1957 Amendment, Pub. L. 85-310, 71 Stat. 631, *amending* 28 U.S.C. § 133; *Federal Judgeships*, CONGRESS AND THE NATION, 1945-1964, at 1446-1450 (1965); Pub. L. 91-272, 84 Stat. 294 (1970).

28. Between 1960 and 1970, 31 of the 90 districts had a complete turnover of judges, including 38 single-judge benches and twelve multi-judge benches. Some districts are divided into two to ten divisions with a single judge handling all cases filed within his geographical jurisdiction; therefore, there are more benches than districts. Only five districts had no new judges during the ten year period.

29. *Hearings on 1967 Omnibus Judgeship Bill Before the Subcomm. on Improvements in Judicial Machinery of the Senate Comm. on the Judiciary*, 90th Cong., 1st Sess. 25 (1967).

30. Letter from Charles E. Hughes to President Roosevelt, December 31, 1934, on file in Franklin D. Roosevelt Library, President's Personal Files 7590.

31. U.S. JUDICIAL CONFERENCE, REPORT OF THE PROCEEDINGS 6-7 (Sept. 28-30, 1939).

32. *Hearing on Authorizing the Appointment of Additional Circuit and District Judges for the U.S. Courts Before Subcomm. No. 3 of the House Comm. on the Judiciary*, 81st Cong., 1st Sess. 14 (1949); U.S. JUDICIAL CONFERENCE, REPORT OF THE PROCEEDINGS 17-18 (Sept. 27-29, 1948); ANNUAL REPORT 42-43 (1949).

judgeships, but the act deleted nine considered vital by the judiciary and added five others considered important by the Congress.[33] The judgeships were won after a lobbying effort, during which the AOC Director spoke of young and vigorous judges who come to the bench only to see their health broken within a few years.[34] The concern for the interests of the judges expressed during the hearings on the first two omnibus bills turned to concern for the interests of the litigants and the community in subsequent hearings.

The publication of the Cotter Report in 1959 made Congress more critical of the administration of the courts and more doubtful about the creation of judgeships as a panacea.[35] National judicial leaders were asked to explain the need for visiting judges in California in the winter, in New York in the theatre season, and in the Carolinas in the spring.[36] There was a great deal of concern about adequate control of judges' behavior by the judicial councils. Meanwhile, the U.S. Judicial Conference had arranged for the preliminary seminar for new judges in 1960 and also responded quickly to the criticisms of intercircuit assignments and judicial councils by developing new guidelines.[37]

A few months after President Kennedy took office Congress created 63 new trial court positions, including all 60 requested by the Conference and three more.[38] The Johnson omnibus act in 1966 was adopted after hearings in 1965 which reflected the disgruntlement of Congress over the failure of the three earlier expansions of the judiciary to solve the caseload problem. Congressmen placed the blame on the judges for failing to retire when incapacitated, for refusing to serve outside their districts, and for staying away from remote statutory locations in their own districts, and on court leaders at the circuit level for failing to discipline trial judges.[39] Nevertheless, the 1966 act added 35 new positions, including two not requested. After a survey of the district courts in 1968, the U.S. Judicial Conference asked for 62 new positions.

33. U.S. JUDICIAL CONFERENCE, REPORT OF THE PROCEEDINGS 6-8 (Sept. 24-26, 1953).

34. *Hearings on Additional Circuit and District Judges Before the Senate Comm. on the Judiciary*, 83rd Cong., 1st Sess. 170 (1953).

35. FIELD STUDY OF THE OPERATION OF UNITED STATES COURTS, REPORT TO SENATE APPROPRIATIONS COMMITTEE (April, 1959).

36. *Hearings on Federal Courts and Judges Before Subcomm. No. 5 of the House Comm. on the Judiciary*, 87th Cong., 1st Sess. 425 (1961).

37. *Id.* 438; U.S. JUDICIAL CONFERENCE, REPORT OF THE PROCEEDINGS 51-53 (March 13-14, 1961).

38. ANNUAL REPORT 117-18 (1961).

39. *Hearings on Federal Courts and Judges Before Subcomm. No. 5 of the House Comm. on the Judiciary*, 89th Cong., 1st Sess. 27-28, 179 (1965).

Enthusiasm for the resulting patronage for the Nixon administration was tempered with concern at the steady enlargement of the judiciary, as Congress in 1970 approved 61 new positions, including five not requested.[40]

The dismay and disillusionment of Congress was again reflected in the 1969 Senate report, which complained that since 1959 there had been a large increase in the number of district judges, "but only a 9% increase in the number of civil and criminal dispositions."[41] Senator Tydings summarized Congressional reaction to the five successive omnibus bills:[42]

> In light of these facts and yesterday's testimony, I believe it is clear that merely adding more judges will be only a partial answer to the courts' needs. The available administrative tools must be better utilized and new efforts to improve judicial administration must be made.

In five presidential administrations the U.S. Judicial Conference successfully persuaded Congress of its specific needs for new positions. In 1949 Congress provided 95% of the positions requested, in 1954, 70%, in 1961, 100%, in 1966, 97% and in 1970, 90%. The number of positions attributable to congressional greed for patronage steadily decreased, if we accept as a measure of the patronage motive the number of judgeships added which were not considered necessary by the Conference. In 1949, 14% of the Truman group was attributable to patronage, in 1954, 19% of the Eisenhower group, in 1961, 5% of the Kennedy group, in 1966, 6% of the Johnson group and in 1970, 8% of the Nixon group. Since some additions were responsive to the pressures of local district judges to overcome modest national requests rather than to legislative initiative, the patronage element is probably smaller.[43]

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40. HOUSE COMM. ON THE JUDICIARY, REPORT: FEDERAL COURTS AND JUDGES, 91st Cong., 1st Sess. 9-10 (1970).

41. SENATE COMMITTEE ON THE JUDICIARY, REPORT TO ACCOMPANY S. 952, at 1-9 (1969).

42. *Hearings on Federal Judges and Courts Before Subcomm. on Improvements in Judicial Machinery of the Senate Comm. on the Judiciary*, 91st Cong., 1st Sess. 433, 81, 375-76 (1969).

43. In 1949, one circuit judge testified that he considered the Conference recommendations conservative and a district judge speaking for the other members of his district asked for two judges beside the one officially requested by the Conference, and Congress provided one more judge than requested. An additional judge was also provided for Washington, D.C., after the plea of the circuit chief judge. *Hearings: Authorizing the Appointment of Additional Circuit and District Judges for the U.S. Courts*, 81st Cong., 1st Sess. 14, 85, 143, 812 (1949). In 1953, district judges testified in opposition to the restraint of the Conference recommendations. A senior judge complained that the request for a temporary position for his district was made without any contact with the local judges, and Congress created a permanent seat. *Hearings on Additional Circuit and District Judges Before the Senate Comm. on the Judiciary*, 83rd Cong., 1st Sess. 29 (1953).

The omnibus judge additions had a significant impact upon the court system. Among other things, the omnibus bills increased the number and size of multi-judge courts. Before 1949 there were 29 single-judge districts in the system and after the 1970 act there were only four. A change from a single-judge court to a multi-judge court poses new administrative problems of coordination in the district. The multiplication of the size of an urban bench magnifies its on-going problems of supervision, information and control.

III. Development of the New Judge Seminars

A preliminary seminar to test the feasibility of bringing new judges together for an indoctrination program was held in Colorado in 1960, in conjunction with the 10th circuit judicial conference. Twenty-two district judges who had served less than two years were invited.[44] In 1961, new judges were asked to attend a special seminar for judges of the 5th and 10th circuits held under the sponsorship of the Southwestern Legal Foundation in Dallas.[45]

The first, second, and third regular seminars were held in 1962 to serve the newcomers from the Kennedy omnibus act. Twenty-eight judges went to Monterey, California, 30 to Norfolk, Virginia and 33 to Dearborn, Michigan.[46] In 1964, the fourth seminar met in Denver with an Institute on Sentencing. Participants included fifty circuit and district judges, 21 of whom were new judges. In 1965, the fifth seminar offered orientation to 23 new judges in Denver. To take care of the Johnson omnibus legislation, the sixth and seventh seminars in Denver and Berkeley in 1968 taught 55 neophytes. With the eighth seminar, also in 1968, the program moved permanently to Washington, D.C., and taught 34 new judges. The ninth seminar in 1970 trained 31 judges.[47] The tenth and eleventh seminars are planned for spring, 1971, with approximately thirty judges invited to each week-long program at the Federal Judicial Center in Washington, D.C.

The major purpose of the seminars has been to teach the new judges techniques of case disposition, particularly pretrial conference

44. Annual Report 132 (1961).

45. U.S. Judicial Conference, Report of the Proceedings 47 (March 13-14, 1961).

46. *Id.* 17 (Sept. 19-20, 1962).

47. The first two seminars for appellate judges were held in February, 1970, with 30 judges attending the first and 24 the second and other judges as faculty (of the 97 circuit judges). Unlike the formula of the current series of district court seminars, the appellate seminars mixed judges with tenure with newly appointed judges. 2 The Third Branch 1 (March, 1970).

procedures, which would increase their efficiency as members of the team handling federal jurisdiction. As early as 1938, the Judicial Conference of Senior Circuit Judges had recommended the use of pretrial conferences to avoid delays.[48] At the first preliminary conference at Boulder the program was entitled "A Seminar on Practice and Procedure under the Federal Rules of Civil Procedure" and the new judges "received a comprehensive orientation in the most up-to-date techniques of judicial administration."[49] The second preliminary seminar in Texas in 1961 was set up by the Standing Committee on Pretrial Procedure under the chairmanship of Chief Judge Alfred P. Murrah (10th circuit), and the program was planned "to explore and develop the most effective techniques for the utilization of the pretrial and trial procedures."[50] The U.S. Judicial Conference decided in 1961 to conduct a series of new judge seminars rather than to rely on ad hoc provisions by circuit or foundation sponsored conferences.

The Conference felt that its Committee on Pretrial Procedure ought to take responsibility for the new judge programs to "promote effective techniques for the efficient and expeditious administration of justice in the district courts at all stages of litigation."[51] The committee carried out its obligation by undertaking three regional seminars in 1962 for a total of 91 recently appointed judges and reported that "every federal trial judge uses pretrial, at least to some extent, and for the most part the newly appointed district judges are enthusiastically embracing the procedure."[52] The rationale for the fourth seminar was also "to acquaint newly appointed judges with the problems of judicial administration they are likely to encounter in the operation of their courts."[53]

Although pretrial was the most publicized of the new techniques, the broader purpose was expressed by the Director of the AOC, Warren Olney III, as the "necessity of judicial supervision of litigation"[54] by providing the judges with the tools to control the docket. To emphasize the importance of other techniques the name of the Committee on Pretrial Procedure was changed by the Judicial Conference to Trial

48. Chandler, *The Administration of the Federal Courts*, 13 LAW & CONTEMP. PROB. 182, 195 (1948).

49. U.S. JUDICIAL CONFERENCE, REPORT OF THE PROCEEDINGS 102 (Sept. 20-21, 1961).

50. *Id.* 101.

51. *Id.*

52. *Id.* 79 (Sept. 19-20, 1962).

53. ANNUAL REPORT 94 (1962).

54. U.S. JUDICIAL CONFERENCE, REPORT OF THE PROCEEDINGS 41 (MARCH 16-17, 1964).

Practice and Technique in 1965.[55] The fifth seminar was described as emphasizing the "day-to-day operations of a district court."[56] In 1967, the Judicial Conference approved a resolution presented by Chief Judge Murrah, noting that 100 judges had been appointed since the last seminar, and calling for seminar programs to "cover such matters as fundamental court procedures, techniques of effective judicial administration, jurisdiction and substantive problems arising in suits brought under federal statutes."[57] The first two subjects were standard but the last two could involve other values than efficiency.

The three seminars held in 1968 were under the cooperative auspices of the Federal Judicial Center and the Trial Practice and Technique Committee.[58] These seminars included courses on jurisdictional problems, fundamentals of trial practice, effective disposition procedures, discovery, pretrial, sentencing and other criminal procedures, taught by 18 judge-faculty members. The judges attending had been on the bench from two weeks to two years and the faculty from five to 36 years.[59] After the Federal Judicial Center took full responsibility for the new judge programs, it set up an Advisory Committee on Continuing Education, which mailed a questionnaire to all the participants of the eighth seminar for their evaluation of the program. The student comments led to the inclusion in the ninth seminar of two new courses on district-circuit court relationships and on handling difficult cases, as well as some electives in substantive law.[60] A

55. *Id.* 38 (March 18-19, 1965).

56. *Id.* 82 (Sept. 22-23, 1965).

57. *Id.* 85-86 (Sept. 21-22, 1967).

58. *Id.* 82-83 (Sept. 19-20, 1968).

59. FEDERAL JUDICIAL CENTER, FIRST MIDYEAR REPORT 5 (March 13, 1969). The idea of a Federal Judicial Center was developed by a special committee of the U.S. Judicial Conference on Continuing Education, Research, Training and Administration. President Johnson recommended legislation for the center in his Message on Crime delivered February 6, 1967, arguing that "The mere addition of judges to the courts will not bring about the efficient administration of justice that simple justice demands. Better judicial administration requires better research, better training and continuing education programs . . . . If we are to reduce the backlog of cases pending in the courts and meet the urgent law enforcement problems we face, these programs must be given permanence and sufficient means to accomplish their tasks." The House Committee on the Judiciary agreed that docket congestion and new judge training could be better performed by the Center. One of the four functions of the Federal Judicial Center listed in the statute was "to stimulate, create, develop, and conduct programs of continuing education and training for personnel of the judicial branch . . . ." 28 U.S.C. § 620(a)(3)(1968). However, throughout the hearings from 1960 to 1968, congressmen showed much more interest in control and discipline than in education of the judges in the early seminars.

60. 1 THE THIRD BRANCH 3 (Dec., 1969).

follow-up questionnaire was also sent to participants after the ninth seminar.

An analysis of the program of this 1970 seminar, attended by 30 judges and taught by 29 faculty members, shows that the new judges attended specific classes for at least 40 hours.[61] Nine of these hours were electives, devoted to the substantive areas of patent-copyright, antitrust, and admiralty. If only the remaining 31 hours are considered as the required courses, then 68% of the judge's time was spent on courses directly related to the effective disposition of cases.

This history of the development of the seminars should substantiate the point that the intent behind the institutionalization of new judge socialization was to improve their efficiency in their trial court roles.

IV. An Analysis of the Impact of the New Judge Seminars

The first hypothesis to be tested is whether courts with more new judges trained at new judge seminars will show more productivity than courts with more experienced judges without such formal socialization. Certain districts will be ranked according to their percentage of new judges and to their records on case output, and the two rankings compared. The second hypothesis is whether new socialized judges will use pretrial more than older judges to dispose of civil cases.

The first research problem was to select the districts to be included in the analysis. Only multi-judge courts of six or more judges, sitting in one or two divisions are included, since it would not be feasible to use percentage ranking for courts of one to three judges. Most districts with four to five judges operate with three or more divisions, putting them in the small bench category. Since the AOC reports by district rather than division, it is reasonable to limit comparisons to situations where the judges share the responsibility for the caseload of the same geographical area. There are fourteen districts in the study, ranging in size from the Southern District of New York with 23 judges (24 authorized) to New Jersey and Massachusets with six judges each. The report of the Division of Procedural Studies and Statistics for 1969 has a special section on 19 metropolitan districts with the largest number of civil cases filed, and the 14 selected courts are on this list.[62] Eight of these districts were chosen to compose the First Metropolitan Court Conference in D.C. in 1969.[63]

61. Federal Judicial Center, Second Midyear Report Appendix (March 16, 1970).

62. Annual Report 135 (1969).

63. *Metropolitan Courts Meet,* 1 The Third Branch 3 (Feb., 1969).

The second research problem was to choose the dates of the study, since the number of sitting judges and new judges changes from month to month. The most recent available statistics are in the report of the Director for fiscal 1969; so it was decided to count the judges listed in Volume 300 of the Federal Supplement (1969) as most likely the judges who did the work reported in the tables. The judges still on the bench in 1969, who were appointed prior to 1959, were considered to be the experienced judges, unlikely to have attended any of the new judge seminars. The percentage of judges in service in 1969 who had attended a new judge's seminar between 1960 and 1968 was calculated, as shown in Table 1.

TABLE 1

NEW JUDGES AT SEMINARS FROM 14 URBAN COURTS

District	Judges in Service-1969	Judges Appointed 1959-to-1968	% at New Judges' Seminar
D.C.	14	11	79
D. Mass	6	4	66 2/3
E.D.N.Y.	8	7	87 1/2
S.D.N.Y.	23	15	65
D.N.J.	6	5	83 1/3
E.D. Pa.	13	10	77
W.D. Pa.	7	3	43
E.D. La.	8	7	87 1/2
S.D. Tex.	7	4	57
E.D. Mich.	8	6	75
N.D. Ohio	7	6	86
N.D. Ill.	11	7	63 2/3
N.D. Cal.	9	3	33 1/3
C.D. Cal.	13	11	85

The next problem was to decide upon the indicators for the case demands upon the courts and for the court response in case disposition. The indicator for pressure has been provided by the AOC since 1963 in the form of a weighted caseload per judge.[64] The civil case demands upon

64. The Administrative Office is reworking the weighted caseload on the basis of a time study completed in 1970. The District of Columbia is not included in the weighted caseload table since unique statutory jurisdiction makes comparison with other districts inappropriate. Since the district has large case filings, it is considered under high pressure.

each of the 14 courts are shown in Table 2 and the criminal case demands in Table 3. Several AOC tables provide information on backlog, a sort of negative output. The percentage of civil cases pending over three years and the number of civil cases pending per judge at the end of fiscal 1969 shown on Table 2 are the indicators for civil backlog. Table 3 shows the percentage of criminal cases pending one year or longer and the number of criminal cases pending per judge at the end of fiscal 1969.

TABLE 2*

CIVIL DEMAND AND BACKLOG FOR 14 DISTRICTS—1969

District	Civil Weighted Cases per Judge	Civil Cases Pending over 3 years	Civil Cases Pending per Judge
D.C.	—	6.2%	308
D. Mass.	287	6.1	256
E.D.N.Y.	166	7.9	218
S.D.N.Y.	219	19.7	513
D.N.J.	209	5.2	307
E.D. Pa.	252	20.9	549
W.D. Pa.	228	2.6	327
E.D. La.	311	10.6	526
S.D. Tex.	220	5.9	272
E.D. Mich.	203	9.7	252
N.D. Ohio	210	4.4	248
N.D. Ill.	322	4.5	169
N.D. Cal.	255	10.8	361
C.D. Cal.	184	9.1	141

* Report of the Director of the Administrative Office of the U.S. Courts, June 30, 1969, Tables X-1 and C-6-a.

TABLE 3*

CRIMINAL CASE DEMAND AND BACKLOG FOR 14 DISTRICTS—1969

District	Criminal Weighted Cases per Judge	Criminal Cases Pending One Year	Criminal Cases Pending per Judge
D.C.	—	12.3%	122
D. Mass.	35	18.9	33
E.D.N.Y.	46	29.6	59
S.D.N.Y.	34	53.0	58
D.N.J.	51	22.0	74
E.D. Pa.	24	23.4	30
W.D. Pa.	27	6.1	29
E.D. La.	32	27.2	38
S.D. Tex.	126	3.5	45
E.D. Mich.	68	36.4	85
N.D. Ohio	42	37.2	62
N.D. Ill.	53	9.2	37
N.D. Cal.	63	11.5	63
C.D. Cal.	109	5.5	60

* Report of the Director of the Administrative Office of the U.S. Courts, June 30, 1969, Tables X-1, D-3-b, and D-3-a.

The positive output in terms of dispositions can be measured in several ways: by the median time from filing to disposition for civil cases and for criminal defendants, the number of trials completed per judge and the median time interval from issue to completed civil trials. The tables also reveal courts in which the judges used the modern technique of pretrial to settle cases in comparison with terminations at other stages of the trial process.

To test the hypothesis that courts with the most new judges socialized in formal seminars responded more adequately to case demands, the courts were ranked in order of percentages of such judges and the disposition indicators were ranked in order of time, percentage, or number to show negative and positive output. A Spearman's Rho correlation was worked out, and there were no significant correlations between the rankings. No clear relationship exists between having new, trained judges on the bench and role performance. However, the correlations showed an interesting direction. The correlation was positive above .20 for civil case disposition and negative above .20 for criminal case disposition, indicating that courts with more new judges

tended to do better than experienced courts in handling civil cases and worse with criminal cases. This finding appears plausible since the seminars prior to 1969 emphasized courses on the management of civil litigation.

To test the hypothesis on pretrial procedure, the ranking of courts by new judges and by use of pretrial was correlated using Spearman's Rho formula. Courts with the most newly trained judges showed no correlation to courts with the highest proportion of pretrial to trial dispositions. The zero correlation indicates a more general use of pretrial in all metropolitan courts, which may reflect the acceptance of the utility of the procedure by experienced as well as new judges.

V. An Analysis of the Impact of Judicial Socialization

Since the AOC statistics did not show any recognizable effect from the introduction of the seminars, it was decided to test other aspects of socialization in relation to productivity; i.e., anticipatory socialization, leadership socialization, and desocialization. Anticipatory socialization, or the preparation for the office prior to nomination, was defined as experience (1) as a trial judge in the state courts or the lower District of Columbia courts or (2) as a U. S. Attorney in a federal district or on the staff of the Department of Justice. The role requirements of federal judges revolve around trial procedures and federal law, and the incumbents of state trial posts learn one aspect and government lawyers the other. A clerkship to a federal judge was also considered an indicator of anticipatory socialization, but all judges in this category also had been trial judges or U. S. Attorneys. Table 4 shows how many and what percentage of judges had occupied these positions prior to appointment. Figures in parentheses under U. S. Attorney mean that the judge has been counted once for holding the trial judge position; nine judges had double preparation for their role. The percentage of judges on a bench with anticipatory socialization varied from 14% in Western Pennsylvania to 100% in Massachusetts, Northern Ohio and Central California.

TABLE 4

ANTICIPATORY SOCIALIZATION IN 14 DISTRICTS—1969

Districts	Trial Court Judge State or D.C.	U.S. Attorney or Department of Justice	Total Judges	% on Court
D.C.	5	4 (1)	9	64
D. Mass.	1	5	6	100
E.D.N.Y.	4	0	4	50
S.D.N.Y.	4	6 (2)	10	43 1/2
D.N.J.	1	0	1	16 2/3
E.D. Pa.	3	3	6	46
W.D. Pa.	1	(1)	1	14
E.D. La.	2	3	5	62 1/2
S.D. Tex.	1	1	2	28
E.D. Mich.	2	1	3	37 1/2
N.D. Ohio	6	0	6	100
N.D. Ill.	8	2 (1)	10	91
N.D. Cal.	4	2 (2)	6	66 2/3
C.D. Cal.	8	5 (2)	13	100

Leadership socialization refers to the reinforcement of values of judges recruited to positions in national court administration. These judges appear to be in general agreement on the need for modern court practices and for centralized training and supervision of trial judges. In this category are judges who take chairmanships in the U. S. Judicial Conferences and who testify before Congressional committees as spokesmen for innovations such as the Judicial Panel on Multidistrict Litigation, the Sentencing Institutes, or the Federal Judicial Center. Others in this category participate in the preparation of handbooks for judges or act as faculty members at the new judges' seminars. The number of such socialized leaders, including judges appointed before and after 1959 to these 14 courts, varies from none to five per court.

A desocialized member of the bench is one who no longer has the strength or interest to master new procedures or to work cooperatively with other judges. The only available indicator for this condition is age, and of course age alone is not a completely adequate predictor of mental or physical capacity. However, since most individuals tend to set the pattern of their work activities and become more rigid and individualistic by age 70, the number of judges who had turned 70 by fiscal 1969 was used as the measure of desocialization for each bench. The

number of 70-year-old judges varied from none to three per court, and one active judge was 87. To reveal the differences among the courts, a socialization score was figured by subtracting the number of desocialized judges from the total number of judges socialized before selection, as new judges, and as leaders and dividing by the number of sitting judges. As can be seen from Table 5, the scores ranged from .57 for Western Pennsylvania to 2.15 for Central California.

TABLE 5

SOCIALIZATION SCORES IN 14 URBAN COURTS—1969

District	Judicial Leaders	Judges Over 70	Socialization Score
D.C.	4	0	1.79
D. Mass.	2	1	1.83
E.D.N.Y.	1	1	1.37
S.D.N.Y.	5	1	1.35
D.N.J.	1	1	1.00
E.D. Pa.	1	0	1.31
W.D. Pa.	0	1	.57
E.D. La.	1	1	1.50
S.D. Tex.	1	1	.86
E.D. Mich.	1	3	.87
N.D. Ohio	0	2	1.43
N.D. Ill.	5	2	1.91
N.D. Cal.	2	0	1.44
C.D. Cal.	2	0	2.15

A rank order of districts was arranged according to the socialization scores, which were treated as the independent variable to predict competent handling of cases, as measured by the rank order of the court output statistics. Since it appeared from the first tests that socialization and criminal case disposition were not related, only civil case variables were examined. The fourteen districts were first separated into two groups, by using the data in Table 2. Those with civil case demands over 250 weighted cases were considered high pressure courts and those with less than 250 low pressure courts. A Spearman's Rho correlation was worked out for both groups with the backlog variable, measured by the percentage of civil cases pending over three years and by the number

pending per judge, and with the productivity variable, measured by median time interval for all dispositions and for completed trials.

There was no significant correlation between socialization and output for the courts under low pressure. However, for courts with high case demands, *i.e.*, D.C., Mass., E.D.Pa., E.D.La., N.D. Ill., and N.D. Cal., there was significant correlation for both backlog and productivity. The correlation between high socialization and low number of cases pending per judge was +.97, significant at the .02 level, and between high socialization and low percentage of civil cases pending over three years, +1.00 significant at the .01 level. The correlation between high socialization and short time intervals for all civil dispositions was +.89, significant at the .02 level, and short time intervals for completed trials, +.97, significant at the .02 level. The hypothesis of a relationship between new judge training and performance proved correct for courts under high pressure to dispose of newly filed cases. The heavily burdened districts have benefitted from the combined impact of socialization of their judges before selection, after appointment, and through experience in national leadership. Courts with lighter weighted caseloads show backlogs and slow disposition, which do not reflect the lessons of modern trial practice learned by their socialized judges.

VI. An Explanation for Congested Courts

The fourteen urban courts were separated into three categories on the basis of demands and backlog, to discover if the three types differed in regard to demands other than filed cases, in techniques and quantity of dispositions, and in degree of socialization of members and of structural changes. The demands again were measured by weighted caseload and the backlog by pending cases. These combinations appeared from the data. Courts without backlog but with heavy or moderate pressures were called current courts. These were N. D. Illinois, Massachusetts, W. D. Pennsylvania, and S. D. Texas. Courts with heavy or moderate pressures and comparable backlogs were called coping courts: District of Columbia, C. D. California, N. D. California, E. D. Michigan and New Jersey; and courts with low or moderate pressures and inordinately high backlogs were called congested courts: E. D. Louisiana, E. D. Pennsylvania, E. D. New York, N. D. Ohio, and S. D. New York.

An explanation for the difficulties of the congested courts was sought in the data on visiting judges, protracted cases, and lengthy trials. The federal courts have developed a device to ease the burden resulting from

the uneven filing of cases. Visiting judges may be assigned within or without circuits under authority of the chief judges and with the cooperation of the judges involved.[65] Another device introduced to improve the overall administration of justice for the national court system by preventing duplication of judicial effort is the Panel on Multidistrict Litigation, which moves cases for the purpose of consolidated pretrial and discovery and often trial. The procedure might have the unintended consequence of over-burdening individual districts. Lengthy trials, over 20 days, occur haphazardly throughout the system, and the number of days per judge for such trials can be calculated from the AOC statistics.[66] The 1969 reports on the exchange of visiting judges, on the transfer of protracted cases, and on the number of lengthy trials were analyzed to see if extra hardships upon the congested districts might explain their poor performance.

The coping courts had an even balance of judges loaned and borrowed, but Central California provided more visiting judges and the other courts received more help. The current courts gave an average of 1.5 days per judge to other districts and the congested courts gave an average of one day per judge. The seriously congested S. D. New York offered 2.8 days of help for each of its 23 working judges, perhaps too much under the circumstances.

Both the current and coping courts transferred out one protracted case per judge, but the congested courts had a balance of two protracted cases per judge transferred in. The courts which could least afford it accepted the most protracted cases: Eastern Pennsylvania and Southern New York. The current courts spend six days per judge on lengthy trials, the coping courts nine, and the congested courts eight. Lengthy trials are accidental, but provisions for visiting judges and protracted cases are within the control of judicial administrators. Although the extra burdens on the congested courts seem minor from the statistics, evidently these courts cannot manage the last straw.

The differences in efficiency among the three classes of courts do not stem from a failure to use modern techniques. As Table 6 shows, the congested courts used pretrials much more than the others. Neither are the courts failing to dispose of cases, since they complete more civil trials than other courts and a substantial number of criminal trials. As might be expected, however, they are much slower in disposing of cases, taking

65. 28 U.S.C. § 292 (1968).
66. ANNUAL REPORT Table C-9 (1969).

more than twice as many months as the current courts in both civil and criminal litigation.

TABLE 6*

TECHNIQUES AND PRODUCTIVITY OF 14 DISTRICT COURTS

	% of Pretrial to trial	Average per Judge: Completed Civil Trials	Average per Judge: Completed Criminal Trials	Median Time Civil Dispositions in months	Median Time Criminal Defendant in months
Current Courts	163%	23		8	3.4
Coping Courts	166%	18	24	10	4.8
Congested	227%	27	11	22	6.2

* Annual Report of the Director, Administrative Office of the U.S. Courts, June 30, 1969, Tables C-4-a, C-7, C-5, and D-6.

The relationship between competency of the court and socialization of the judges was checked again by computing the percentages of socialized judges for each category of courts. As Table 7 reveals, in agreement with the earlier findings, the courts with disposition difficulties had more judges trained at the new judge seminars than the current and coping courts. As will be pointed out shortly,the congested courts were those with the most new positions; and all judges appointed to new positions since 1959 have attended a new judge seminar. The training of the individual was evidently not sufficient to overcome the strains upon administration in burgeoning courts.

TABLE 7

SOCIALIZATION AND STRUCTURE IN 14 DISTRICTS

	% Seminar Judges	% Socialized Leaders	% Anticipatory Socialization	% Over 70	% New Positions 1960-1969
Current Courts	58%	23%	68%	16%	28%
Coping Courts	72%	20%	76%	8%	24%
Congested Courts	76%	13%	56%	8%	38%

Two groups had the same percentage of elderly judges; the coping and the congested courts had slightly over one-tenth over retirement age. The most efficient courts had a larger percentage of judges over 70; the percentage larger than 11% did not detract from the court's productivity since they tended to be judicial leaders. The most important differences appear in the anticipatory socialization of the judges, where current courts had 12% more than congested courts, and in socialized leadership, where current courts had 10% more. Evidently the crucial factor in a productive court is the presence of judges ready to cope immediately with their role requirements and of experienced leaders who have internalized the norms of modern judicial administration and have the authority of seniority to influence other judges in the direction of efficiency.

The last factor to be considered in relation to court performance is structural: the percentage of new positions added to the court between 1960 and 1969, as shown on Table 8. The additions of new positions, and therefore new judges, increased the responsibility for socialization and aggravated problems of local court administration. The cumulative effect of the five omnibus acts was to give district courts in the Fifth Circuit more than 41 new positions and appointees to absorb, in the Ninth over 31, and in the Second, Third and Sixth over 21. The other six circuits had twenty or fewer new positions.

TABLE 8

NEW POSITIONS IN 14 URBAN COURTS

Districts	Authorized 1969 Positions	1961 Omnibus Acts	1966 Omnibus Acts	% New Positions
D.C.	15	—	—	0
D. Mass.	6	1	—	16 2/3
E.D.N.Y.	8	2	—	25
S.D.N.Y.	24	6	—	25
D.N.J.	6	1	—	16 2/3
E.D. Pa.	13	3	3T	46
W.D. Pa.	8	2	—	25
E.D. La.	8	2	4	75
S.D. Tex.	7	1	2	43
E.D. Mich.	8	2	—	25
N.D. Ohio	7	2	1	43
N.D. Ill.	11	2	1	27
N.D. Cal.	9	2	2	44
C.D. Cal.	13	2	(S.D.) 3	38

Between 1960 and 1969, the current courts gained 28% new positions through the omnibus acts of 1961 and 1966, the coping courts 24% and the congested courts 38%. The E. D. Louisiana experienced a 75% increase. (See Table 8) Almost half of the present seats in these five congested courts have been created in the last ten years. The solution to the problem of congestion, new judgeships, presents a new problem of administration, the integration of the new judges and staff into the on-going district judicial process. It would seem that the addition of so many new judgeships strains the capacity for adaptation and performance by these courts. The lack of national leaders and the stress of structural change may serve to explain the failure of these courts to meet judicial, congressional, and public expectations. Although the idea of a court administrator has been unacceptable to some metropolitan courts, perhaps the courts lacking the local presence of national leaders in judicial administration need such professional help to overcome the stress of structural change and coordinate the efforts of the judges to follow modern court practices.[67]

67. When the new positions created by the 1970 omnibus act are filled, disruption caused by structural change should affect each category of court. Those presently coping with a heavy

In conclusion, socialization through seminars of individual judges to manage their own responsibilities has not solved court problems stemming from demand for judicial services. Integration of the performance of individual actors is required to make the entire multi-judge court an efficient unit. The location of judicial administration leaders in various districts is fortuitous. Although these national leaders have been described as the "inner club", recruitment by seniority has broken down and been replaced by cooptation of talented, interested, and diplomatic new judges, who happen to be known to the current leadership. As long as the district chief judge takes office by seniority (with an age limit of 70), some process for schooling the chief judge and other potential leaders is needed. Otherwise, the distribution of administrative leaders, and the productivity of large courts, will remain haphazard. In addition to the new judge seminars, a series of seminars for experienced judges emphasizing administration may develop the integrative talents necessary to assure dispositions on every court of high quality and quantity.

VII FURTHER EXPLORATIONS IN JUDICIAL SOCIALIZATION

This initial exploration in the area of judicial socialization is confined to a consideration of the impact on case disposition of a limited range of socialization processes. A more comprehensive study of federal judicial socialization at the district level would pay attention to other formal agencies, such as the continuing Sentencing Institutes, the early Conferences on Protracted Litigation, the special conferences for Mexican border judges, criminal calendar judges, and metropolitan court judges, and to other tactics of socialization, such as the handbooks, reports, letters and disciplinary orders. Informal socialization processes on an affective and one-to-one basis might have the most significant effect upon judicial behavior but would also be the most difficult to research. A more comprehensive study might also include the development of leadership for socialization activities, which would reveal a great deal about the nature of the judicial hierarchy.

This study accepts the evidence from the public documents and course

caseload will have an average of 30% new positions, a 5% increase. The congested courts will have an average of 51% new positions, an increase of 8%. Eastern Louisiana is predicted to face the most stress with 80% of her bench-seats created since 1960 and only one judicial administration leader. The current courts may experience more difficulty with 10% more new positions to absorb, particularly Western Pennsylvania with two new judges and no national leaders and Southern Texas with three more judges and one leader.

descriptions that the important norm for judicial behavior is efficiency and that modern court techniques are taught at the seminars to that end. This perception of the program confirms a theory of adult socialization that most mature organizations emphasize tasks rather than professional knowledge or motives.[68] The inclusion of optional courses in Federal Law specialties in 1970 indicates that the court leaders are beginning to teach basic legal information. It would be even more interesting to discover that the seminars intended to reach judicial motives. One important question in this area would be whether the emphasis of the socialization was on the maintenance of the integrity and security of the court system or of the larger political system. A different type of study would be required to answer questions about the basic purposes in the minds of the teachers and the students' perception of them.

Since the socialization program must be directly related to the functions and goals of the institution it serves, an analysis in depth of the creation of the programs and the purposes of their message should reveal the existence of internal consensus or dissensus about the institutional role of the federal courts. Since socialization is training in role behavior, pursuit of research in this area may provide explanation as well as description of the court system's definition of judicial role and of the nature of the federal judiciary as an organization.

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68. O. BRIM, JR. & S. WHEELER, SOCIALIZATION AFTER CHILDHOOD 27 (1966).