

The Federal Judicial Center (FJC) recently celebrated its 40th anniversary at a conference co-sponsored by Lewis & Clark Law School and the American Academy of Appellate Lawyers. Federal judges, lawyers, and scholars attended the three-day event in September 2008, which featured keynote addresses from current Supreme Court Justice Anthony M. Kennedy and retired Supreme Court Justice Sandra Day O'Connor.

Congress established the Federal Judicial Center in 1967 to study federal court operations and develop educational resources to assist the courts. Today the FJC focuses on the twin missions of education and research, as well as on maintaining "the notion of the independent judiciary," explained Judge Barbara J. Rothstein, current director of the FJC. Judge Zobel, director of the FJC from 1995 to 1999, stated, "The center is extraordinarily useful and indeed, an absolutely necessary institution for the federal judiciary."

In her keynote address, Justice O'Connor emphasized the importance of the FJC: "There is a need for research and analysis on problems and issues facing the federal courts, and the Federal Judicial Center has taken that on very effectively." She also pointed out the contribution the FJC has made worldwide by hosting programs for foreign judges. "We've worked for a long time to help other nations develop their own better court systems," Justice O'Connor said. "And so the Federal Judicial Center is one of the most admired features of our federal court system that foreign judges have taken away with them, and I think many countries have tried to develop some judicial training programs based on those that we have."

Justice Kennedy's address focused on challenges facing the federal judicial branch, emphasizing the need to keep federal courts "strong and effective in deciding some of the most important disputes in society." One of his concerns is the current composition of the federal court docket. "We have," he explained, "an expansion of cases that are important from the standpoint of public policy, but a

shrinking inventory of those cases that are important to industry and to the business community."

Justice Kennedy also discussed the discipline necessary for a lawyer or an appellate judge. "You must put your instinct—your first reaction—into a verbal formula, and then you must test whether that meets the standards of logic, common sense, decency, fairness, your own conscience, the law, the Constitution. And if at any point along this process you have to actually go back to square one," he continued, "that's the way the law works."

Professor Walter Dellinger of Duke University Law School presented a stirring lecture on the extraordinary legal gifts of President Abraham Lincoln. "Lincoln was arguably America's greatest lawyer," Professor Dellinger told the crowd of 300 conference attendees, "and far more than we realize, his greatness was in significant measure achieved through and by virtue of his lawyering skills." Explaining why Lincoln's oration remains compelling even to modern-day listeners, Professor Dellinger said, "There is about Lincoln a directness, a simplicity, and a candor that is almost chilling." Carla Kelley, general counsel for the Port of Portland, called Dellinger's speech "absolute poetry."

In addition to the several addresses, a series of panels entitled "20-20 Vision" examined seven major challenges facing the federal judiciary in the next 20 years, including the impact of science and technology on the courts, the increasing costs of complex civil litigation, the growth in pro se litigation, and the changing nature of criminal cases.

Erwin Chemerinsky, a constitution-

al scholar and dean of the University of California Irvine Law School, participated on a panel that addressed the balance between national security and individual liberties and explained that the issue raises "some of the most profoundly significant questions about the role of the judiciary in a democratic society." According to Chemerinsky, the "enormously important" Supreme Court cases of *Hamdi*, *Rasul*, and *Padilla* show how the Supreme Court is "trying to announce that the rule of law would be followed, even in the context of the war on terrorism." However, he added that there remain "major issues concerning civil liberties and the war on terror that you as judges will have to confront." **TFL**

This article was submitted by Lewis & Clark Law School (law.lclark.edu). For more information about the FJC, please visit www.fjc.gov.

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