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President, The Governance Institute

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**Education**        1970    Ph.D., University of Chicago (Political Science)  
                         1968    M.A., University of Chicago (Political Science)  
                         1965    B.A., Augustana College (Illinois)

**Employment**

2005   Governance Institute (small, non-partisan, non-profit research  
                         organization particularly concerned with interbranch relations  
                         in the federal government-- <http://thegovernanceinstitute.org/>);  
Visiting Fellow (non-salaried) in Brookings Institution's Governance Studies  
                         Program  
2001-            Adjunct Professor, Washington College of Law, American  
                         University (spring semester seminar on American Courts)  
1977-2005      Federal Judicial Center (federal courts' agency for continuing  
                         education of judges and court personnel and for policy research);  
                         Deputy Director, 1991-2005  
1976-79        Adjunct Professor, School of Justice, College of Public Affairs,  
                         American University  
1976-77        Senior Staff Associate, Court Planning Capabilities Project,  
                         National Center for State Courts, Washington, DC  
1973-76        Supreme Court Fellow, then Research Associate, Office of the  
                         Administrative Assistant to the Chief Justice, United States  
                         Supreme Court  
1970-73        Assistant Professor, Department of Political Science, Texas Tech  
                         University (on leave, 1973-74)

**Other Professional Activities**

International

2006-12-      U.S. representative to Board of the Justice Studies Center for  
                         the Americas (Santiago, Chile), President, 2009-12  
1994--        Speaker/participant in programs of/for judiciaries/judicial  
                         schools/law groups, principally in South America

Domestic

- 2016- Public Member, Administrative Conference of the United States
- 2015 Assistance to *Justice for All: Courts and the Community*, an initiative of the federal courts of the Second Judicial Circuit
- 2007-12- Academic Advisory Committee, American Bar Association Standing Committee on Federal Judicial Improvements, and the Committee's Judicial Nominations Task Force
- 2006--12 Member, Supreme Court Fellows Commission
- 2005-- Advisory Board, Institute for the Advancement of the American Legal System (University of Denver)
- 2004-06 Served, in essence, as staff director for Judicial Conduct and Disability Act Study Committee, chaired by Justice Stephen Breyer, which reported to the Chief Justice, September 2006.
- 2004-14 Board of Editors, Justice System Journal (also 1976-83, Editor-in-Chief, 1979-83)
- 1998 Research consultant, Commission on Structural Alternatives for the U.S. Courts of Appeal
- 1993-95 Consultant, Committee on Long Range Planning, Judicial Conference of the United States
- 1989-90 Reporter, Federal Courts Study Committee
- 1988-93 Board of Directors, American Judicature Society (Editorial Committee, *Judicature*, 1989-94; chair, 1991-94)
- 1986-94 Editorial Board, ADMINISTRATION AND SOCIETY

**Other languages** Spanish: (moderately fluent)

**Selected Publications** (\* denotes Federal Judicial Center publications)

Books, reports, articles

*A Primer on Regulating Federal Judicial Ethics* 56 ARIZ. L. REV. 479 (2014)

*The Changing Composition of the Foreign Intelligence Surveillance Court and What If Anything To Do About It* 2 Lawfare Research Paper Series No. 2 (June 2014)

ENHANCING QUALITY AND TIMELINESS IN IMMIGRATION REMOVAL ADJUDICATION (2012), Report prepared for the Administration Conference of the U.S. (with Lenni Benson, New York Law School)

*Judicial Independence in the United States of America*, in JUDICIAL INDEPENDENCE IN TRANSITION (2012, Max-Planck Institute, for the OSCE Office for Democratic Institutions and Human Rights) 521-566.

*Options for Federal Judicial Screening Committees* (2d ed., 2011)

<http://www.brookings.edu/research/reports/2011/09/13-judicial-screening>

*Practical Impediments to Structural Reform [of U.S. immigration courts] and the Promise of Third Branch Analytical Methods*, 58 DUKE L. J. 1847 (2010)

*Changing Backgrounds of U.S. District Court Judges: Likely Causes and Possible Implications*, 93 JUDICATURE 140 (2010)

*Judicial Cooperation Among State Courts in Europe and the United States: A Comparative Approach* (2010) Prepared for Seminar on Judicial Cooperation sponsored by Sponsored by Network of the Presidents of the Supreme Judicial Courts of the European Union and Institute of Judicial Administration at New York University Law School, Florence, Italy <http://www.brookings.edu/research/papers/2010/12/13-judicial-cooperation-wheeler>

*Federal Judicial Independence* 36 HUMAN RIGHTS (ABA Section on Individual Rights and Responsibilities) No. 1 at 8 (2009)

*A Mechanism for "Statutory Housekeeping": Appellate Courts Working with Congress* (2008), 9 JOURNAL OF APPELLATE PRACTICE AND PROCESS 131 (with Robert A. Katzmann, U.S. Court of Appeals, Second Circuit)

*Preventing Federal Court Nomination Battles—De-Escalating the Conflict over the Judiciary*, (Dec. 2007) (paper in Brookings'-ABC News' "Opportunity'08" Project)

*Interbranch Communications: A note on "Article III En Banc,"* (Oct. 17, 2007), YALE POCKET PARTS (with Robert A. Katzmann) *How to Pay the Piper: It's Time to Call Different Tunes for Congressional and Judicial Salaries* (April 2007), with Michael Greve (American Enterprise Institute) in Brookings Issues in Governance Studies Series

*Roscoe Pound and the Evolution of Judicial Administration* (Summer 2007), 48 S. TEX. L. REV. 943 (part of symposium, *Centennial Reflections on Roscoe Pound's The Causes of Popular Dissatisfaction with the Administration of Justice*)

*"Administration of Justice is Archaic"—The Rise of Modern Court Administration: Assessing Roscoe Pound's Court Administration Prescriptions* (Summer 2007), with Sue Dosal (Minnesota State Courts) and Mary McQueen (National Center for State Courts), 82 IND. L. J. 1293

*A Primer on Interbranch Relations* (2007), 95 Geo. L. J. 1155 (symposium on Fair and Independent Courts: A Conference on the State of the Judiciary) (with Robert A. Katzmann)

*Chief Justice Rehnquist as Third Branch Leader*, 89 JUDICATURE 116 (2005) (symposium on Evaluating the Rehnquist Court's Legacy)

*Intermediate Courts of Appeals and Their Relations with Top-level Courts: the US Federal Judicial Experience*, in BUILDING THE UK'S NEW SUPREME COURT, NATIONAL AND COMPARATIVE PERSPECTIVES, Andrew Le Sueur, ed. (Oxford University Press, 2004)

\*CREATING THE FEDERAL JUDICIAL SYSTEM 2004 (3rd ed., 1994) (with Cynthia Harrison)

\*DESKBOOK FOR CHIEF JUDGES OF U.S. DISTRICT COURTS (3<sup>rd</sup> ed., 2003) (collective authorship; sole author of first edition)

\**Judicial Independence in the United States*, in GUIDANCE FOR PROMOTING JUDICIAL INDEPENDENCE AND IMPARTIALITY (Office of Democracy and Governance, U.S.A.I.D., 2001 (with Mira Gur-Arie)

THE FEDERAL COURTS OF MEXICO AND THE UNITED STATES OF AMERICA (booklet for visitors to the federal tribunals of both countries, particularly in areas adjacent to the common border) (2001) (with Mario Melgar)

*Judicial Councils in Latin America* (commentary on monograph by Dr. Néstor-Humberto Martínez Neira) for Latin America Judicial Reform Roundtable II (May 1996), National Center for State Courts

*Warren Burger: A Man of Common Sense and Practical Ideas* Judicature (July-August, 1995)

*Federal Judges and the Judicial Branch: Their Independence and Accountability*, 46 MERCER LAW REVIEW 835 (1995 symposium on judicial independence) (with Gordon Bermant)

\*FEDERAL COURT GOVERNANCE: WHY CONGRESS SHOULD—AND WHY CONGRESS SHOULD NOT—CREATE A FULL-TIME EXECUTIVE JUDGE, ABOLISH THE JUDICIAL CONFERENCE, AND REMOVE CIRCUIT JUDGES FROM DISTRICT COURT GOVERNANCE (1994) (with Gordon Bermant)

\*ON THE FEDERALIZATION OF THE ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE (1994) (with William W Schwarzer)

\*IMPOSING A MORATORIUM ON THE NUMBER OF FEDERAL JUDGES (1993) (with Gordon Bermant, and others))

\*ORIGINS OF THE ELEMENTS OF FEDERAL COURT GOVERNANCE (1992)

\*HANDBOOK ON JURY USE IN THE FEDERAL DISTRICT COURTS (1989) (with Deirdre Golash and Jody George)

JUDICIAL ADMINISTRATION: ITS RELATION TO JUDICIAL INDEPENDENCE (National Center for State Courts, 1988)

*Empirical Research and the Politics of Judicial Administration: Creating the Federal Judicial Center*, 51 LAW & CONTEMP. PROB. 31 (1988)

\*THE WRITING AND RATIFICATION OF THE U.S. CONSTITUTION: A BIBLIOGRAPHY (1986)

\*A COMPARATIVE EVALUATION OF STENOGRAPHIC AND AUDIOTAPE METHODS FOR UNITED STATES DISTRICT COURT REPORTING (1983) (lead author, Greenwood et al)

\*ADMINISTERING THE FEDERAL JUDICIAL CIRCUITS: A SURVEY OF CHIEF JUDGES' APPROACHES AND PROCEDURES (1982) (with Charles Nihan)

\**Using Technology to Improve the Administration of Federal Justice*, 1981 BRIG. Y. U. L. REV. 656 (with Charles Nihan)

\*JUDICIAL DISCIPLINE AND REMOVAL IN THE UNITED STATES (1979), (with A. Leo Levin)

THE POUND CONFERENCE: PERSPECTIVES ON JUSTICE IN THE FUTURE (West Publishing Co., 1979) (volume edited and epilogue written by Levin and Wheeler)

JUDICIAL ADMINISTRATION: TEXTS AND READINGS (Prentice-Hall, 1977) (with Howard Whitcomb)

*Judicial Councils and Policy Planning: Continuous Study and Discontinuous Institutions*, 2 JUS. SYS. J. 121 (1976) (with Donald Jackson)

*Extrajudicial Activities of the Early Supreme Court*, 1973 S. CT. REV. 123

*Sink or Swim: The Socialization of a Federal District Judge*, 21 J. PUB. LAW 359 (1972) (with Robert Carp)

#### Congressional Testimony

Hearing before the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet, 113<sup>th</sup> Congress (2013) on AN EXAMINATION OF THE JUDICIAL CONDUCT AND DISABILITY SYSTEM

Hearing before the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, 111<sup>th</sup> Congress (2010), on the EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Selected recent blog posts, op-eds, etc. (on Brookings Institution website unless otherwise noted)

*Is a 112 Percent Increase in Judicial Vacancies Par for the Course?* June 2016

<http://www.brookings.edu/blogs/fixgov/posts/2016/06/06-judicial-vacancies-senior-status-judges-wheeler>

*The Growing Specter of Vacant Federal Judgeships* April 2016

<http://www.brookings.edu/blogs/fixgov/posts/2016/04/12-growing-spectre-vacant-federal-judgeships>

*The Supreme Court after Scalia* (March 2016 podcast)

<http://www.brookings.edu/research/podcasts/2016/03/the-supreme-court-after-scalia>

*Fisher v University of Texas at Austin: Admission Policies Again Under Supreme Court Review* December 2015 <http://www.brookings.edu/blogs/brown-center-chalkboard/posts/2015/12/09-admission-supreme-court-affirmative-action-wheeler>

*Changing Composition of the Foreign Intelligence Surveillance Court: New Designees* April 2015 <http://www.brookings.edu/blogs/fixgov/posts/2015/04/16-fisc-judges-wheeler>

*How Many Judicial Confirmations are Due to the Filibuster Rules Change?* July 2014

<http://www.brookings.edu/blogs/fixgov/posts/2014/07/02-filibuster-reform-president-obama-nominees-wheeler>

*Tempering Judicial Confirmation Optimism* June 2014

<http://www.brookings.edu/blogs/fixgov/posts/2014/06/12-obama-bush-judicial-confirmation-optimism-wheeler>

*Judicial Nominations and Confirmations: Fact and Fiction* December 2013

<http://www.brookings.edu/blogs/fixgov/posts/2014/06/12-obama-bush-judicial-confirmation-optimism-wheeler>

*We Need Immigration Courts That Work*, Nov., 2013, REAL CLEAR POLICY

[http://www.realclearpolicy.com/articles/2013/11/13/we\\_need\\_immigration\\_courts\\_that\\_work\\_729.html](http://www.realclearpolicy.com/articles/2013/11/13/we_need_immigration_courts_that_work_729.html)

*What's at Stake in Power Struggle Over Judges* CNN Nov. 2013

<http://www.cnn.com/2013/11/21/opinion/wheeler-judges-power-struggle/index.html>

*Federal Judicial Nominations: Skunky D.C. Stats, Justified ideological Nominations, Vacancies without Nominees* Nov., 2013 <http://www.brookings.edu/blogs/fixgov/posts/2013/11/4-federal-judicial-nominations-dc-stats-vacancies-wheeler>

*John Roberts Appoints Judges to More than the FISA Court* Aug. 2013,

<http://www.brookings.edu/research/articles/2013/08/08-john-roberts-judges-appointees-wheeler>

*How Much of a Mark Can Obama Put on the Courts of Appeals?* June 2013

<http://www.brookings.edu/blogs/up-front/posts/2013/06/11-obama-courts-appeal-wheeler>

*What's Behind all Those Judicial Vacancies without Nominees?* April 2013

<http://www.brookings.edu/research/papers/2013/04/18-judicial-vacancies-nominees-wheeler>

*The Tortuous, Protracted Wait to Confirm Judges—From Abe to Obama* Feb. 2013 THE

ATLANTIC <http://www.theatlantic.com/politics/archive/2013/02/the-tortuous-protracted-wait-to-confirm-judges-from-abe-to-obama/273485/>

*Filling Judicial Vacancies in Obama's Second Term—Some Prospects* Jan. 2013

<http://www.brookings.edu/blogs/up-front/posts/2013/01/28-judicial-vacancies-wheeler>

Book review essays

*A Story of Our Times*, 90 JUDICATURE 89 (2006), review essay of Geyh, WHEN COURTS AND CONGRESS COLLIDE, Sunstein et al, ARE JUDGES POLITICAL?, and Wittes, CONFIRMATION WARS

*Dealing with Each Other*, 93 JUDICATURE 256 (2010) Review essay of Miller, THE VIEW OF THE COURTS FROM THE HILL and Quirk, COURTS AND CONGRESS

*Of Standards of Extrajudicial Behavior*, review essay of Murphy, THE BRANDEIS/FRANKFURTER CONNECTION, 81 U. MICH. L. REV. 931 (1983)

**Media appearances** (selected list): Interviewed on or quoted in ABA Journal, Associated Press, Bloomberg News, Boston Globe, Buffalo News, California Lawyer, CNN, Daily Journal (California), Denver Post, Detroit News, The Economist, Ft. Worth Star-Telegram, Hearst Television, The Hill, Houston Chronicle, Legal Times Blog, Los Angeles Times, MSNBC, National Review, National Journal, National Law Journal, New York Times, Newsweek, NPR, Politico, Roll Call, Washington Examiner, Washington Post, Washington Times