Crime Control Act Focus of '85 Circuit Conference

Returning to its traditional format following a one-year experiment with a scaled-down, "strictly business" program, the Annual Judicial Conference of the Second Circuit was held at the Hotel Hershey in Hershey, Pennsylvania, from September 5 to September 8. Some 320 judges and lawyers, including virtually all Second Circuit Court of Appeals and district judges, attended the three-day conference.

The conference program topic was the "Comprehensive Crime Control Act of 1984." Two major panel discussions and a series of workshops dealt with important components of the Act.

Chief Judge Wilfred Feinberg opened the conference's plenary session Friday morning by introducing Circuit Justice Thurgood Marshall and presenting his report on the work of the Second Circuit. Justice Marshall provided briefly the expected review of decisions of the Supreme Court on cases appealed from the Second Circuit. His special focus, however, was on death penalty cases, where he called attention to the hasty and minimal review afforded by present procedures. Justice Marshall called attention to the urgent and difficult problems of representation in death cases, and provided several examples of a "rush to judgment."

Chief Judge Feinberg noted that there are now eleven vacancies on the Court of Appeals and district courts, and that a number of these judgeships have been vacant for fourteen months. He characterized (continued on page 7)

NDNY Judge Miner Elevated to Court of Appeals

Judge Roger J. Miner, who has served on the Northern District of New York bench since 1981, was appointed to the Second Circuit Court of Appeals in early August. Judge Miner fills one of the three vacancies on the Court created when Judge Ellsworth A. VanGraafeiland took senior status, and by the Bankruptcy Amendments and Federal Judgeship Act of 1984, which established two new judgeships.

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CIRCUIT UPDATE

The Court of Appeals reported the second highest number of appeals disposed of in a single year by the court in statistical year (SY) 1985 (July 1, 1984 to June 30, 1985). The 2948 appeals terminated represented a 1% increase over the figure for SY 1984, though still less than the nearly 3,000 appeals disposed of in the court’s busiest year, 1981. As has been the case for the last few years, filings for SY 1985 were also at an extremely high level; the 2837 case filings were the third highest number of annual filings in the court’s history. Though filings actually showed a slight decline over the previous year, they still represented a 32% increase over the figures reported five years earlier in SY 1980. Filings in the Court of Appeals appear to have stabilized, at least for the time being, at slightly under 3000 per year. The court also reported single-year records in SY 1985 for the number of cases presented for decision and for the number of decisions rendered. The court’s median processing time for appeals remained at an exceptionally low 6.1 months, by far the shortest of any circuit.

Judge Thomas J. Meskill of the Court of Appeals has been appointed to the newly created Committee on the Bicentennial of the Constitution by Chief Justice Warren E. Burger. The Committee, chaired by Chief Judge Howard T. Markey of the U.S. Court of Appeals for the Federal Circuit, is to develop a program to celebrate the 200th anniversary of the constitution. In addition to Judge Meskill, representatives of other circuits and Chief Judge Markey, the Chief Justice and Associate Justice William Rehnquist will serve on the committee.

Southern District of New York Judge Abraham D. Sofaer resigned from the SDNY bench in June, 1985 to assume the position of Legal Advisor to the State Department in Washington. Judge Sofaer was appointed in 1979, and later gained widespread recognition as the trial judge in Ariel Sharon's libel action against Time Magazine. Judge Sofaer came to the Southern District from Columbia University School of Law, where he was a professor. He was also an Assistant U.S. Attorney in the Southern District of New York and served as a law clerk to Associate Justice William J. Brennan, Jr., of the U.S. Supreme Court.

The SDNY District Executive's office again sponsored a summer series of videotape seminars for student interns working in judges' chambers. Nine videotape presentations took place between June 6 and August 8. Among the speakers presented were SDNY Magistrate Michael Dolinger, Phyllis Bamberger, Attorney-in-Charge of the Federal Defender Services Unit Appeals Bureau, and law professors from NYU and Columbia, among others.

For the sixth consecutive year, Southern District Bankruptcy Judge Jeremiah E. Berk, in cooperation with the Dutchess County Bar Association, sponsored a bankruptcy law symposium for members of the local bar. Judge Berk, the sole SDNY bankruptcy judge based in Poughkeepsie, also served on the panel for the one-day symposium. Richard Loeb, a faculty member of the U.S. Department of Justice School in Washington, D.C. was the keynote speaker. The symposium highlighted "business bankruptcies covering both Chapter 11 and Chapter 13 in the business context."

The Western District of New York organized a summer social event that promises to become an annual happening. On August 7 the staff of the U.S. Courthouse in Buffalo, including both the district and bankruptcy courts, celebrated the summer of '85 with a cruise on Lake
New Judges Walker and Stanton Inducted in Southern District

Louis L. Stanton and John M. Walker, Jr. became the newest judges on the bench of the Southern District of New York when they were sworn in at induction ceremonies in the U.S. Courthouse on Foley Square on September 9 and 10. Judges Stanton and Walker fill vacancies created by the death of Judge Henry Werker and by Judge Morris E. Lasker's assumption of senior status.

Both judges were partners at the same Wall Street law firm, though Judge Walker had left the firm in 1981 for a position in the Reagan administration.

Stanton's legal career has been as a litigator in two New York City law firms; he is a Fellow of the New York Bar Association and the American College of Trial Lawyers. Judge Stanton is married and has four children.

Judge Louis L. Stanton

Judge Walker, also a graduate of Yale University, earned his law degree from the University of Michigan. For the past four years he has served as Assistant Secretary of the Treasury for Enforcement and Operations. In this capacity, Judge Walker was responsible for Treasury policy in law enforcement and trade matters and for the management and direction of the U.S. Customs Service, U.S. Secret Service, Federal Law Enforcement Training Center, Bureau of Alcohol, Tobacco and Firearms and the Office of Foreign Assets Control. In addition to his six years as an associate and later a partner at a Wall Street law firm, Judge Walker was an Assistant U.S. Attorney in the Southern District of New York. Following law school, he served as a State Counsel to the Republic of Botswana under a two-year Africa-Asia Public Service Fellowship. Judge Walker was born in and presently resides in New York City.

Judge John M. Walker
Judge Miner brings a wide range of experience to his new position. In addition to his four years on the NDNY bench, he was a Justice of the New York Supreme Court, Third Judicial District from 1976 to 1981.

OFF THE BENCH

Court of Appeals Judge Roger J. Miner lectured on "Trials and the Federal Rules of Evidence" at the New York State Bar Association's program on Federal Court Practice held May 3 in Albany. (Judge Miner was on the NDNY bench at the time.)

Among the speakers at the American Bar Association's June 6-7 seminar on "New Techniques for Resolving Complex Litigation" was Eastern District of New York Chief Judge Jack B. Weinstein. The program took place at the Omni Park Central Hotel in Manhattan. Chief Judge Weinstein also spoke at the dinner and installation of officers of the Nassau-Suffolk Women's Bar Association on June 17.

Judge Edward Weinfield of the Southern District of New York received the Riot Relief Fund's Medal for Outstanding Legal Service at a June 7 luncheon of the Downtown Association in Manhattan. The Fund, established in 1863 following riots in New York City during the Civil War, now supports special needs of the Police Department and families of police officers killed in the line of duty.

Southern District of New York Judge Whitman Knapp was one of five recipients of awards given to former aides of the late Manhattan District Attorney Frank S. Hogan, for reflecting commitment to his ideas. The awards were presented in late May at the fifth annual dinner of the Hogan Associates at the Downtown Athletic Club in Manhattan.

Bankruptcy Judge Jeremiah E. Berk of the Southern District of New York testified on July 31 before the House Judiciary Committee's Subcommittee on Monopolies and Commercial Law in Washington, D.C. Judge Berk testified in favor of a bill that would expand the U.S. Trustee system to all 96 U.S. Bankruptcy Courts.

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WELCOME TO...

Charlene Borkowski, jury clerk in the Western District of New York Clerk's Office, Buffalo.

Walter Bryant, information clerk in the Court of Appeals Clerk's Office...

Ronald Church, deputy clerk in the open records section, Southern District of New York Clerk's Office...

Sharon Compagna, intake clerk in the Western District of New York Bankruptcy Clerk's Office...

Michele DaFresne, deputy clerk in the open records section, Southern District of New York Clerk's Office...

Rocco DeFranco, deputy clerk in the open records section, Southern District of New York Clerk's Office...

Paul Herndon, courtroom deputy to Southern District of New York Judge Lloyd F. MacMahon...

Bevelyn Higgins, court secretary in the Circuit Executive's Office...

Kermit Morris, pro se deputy clerk in the Southern District of New York...

Connie Mugo, deputy clerk in the open records section, Southern District of New York Clerk's Office...

Anne O'Leary, clerk in the probation department, Western District of New York...

Famebridge Payne, pro se deputy clerk in the Southern District of New York...

Anne Quinn, secretary to Western District of New York Bankruptcy Court Clerk Michael J. Kaplan...

Kathleen Sancimino, deputy clerk in the closed records room, Southern District of New York Clerk's Office...

Lola Sims, docket clerk in the Eastern District of New York Clerk's Office...

Kathleen Trait, probation officer in the Western District of New York...

Nicole Wooldridge, deputy clerk in the open records section, Southern District of New York Clerk's Office...

Pearl Zuckerman, court secretary in the Circuit Executive's Office...

Kenneth Zungia, docket clerk in the Eastern District of New York Clerk's Office...

FAREWELL TO...

Joseph Beneducci, courtroom deputy to Southern District of New York Judge John N. Cannella...

Eric Chappe, docket clerk in the Eastern District of New York Clerk's Office...

Glen Clay, systems analyst in the Court of Appeals Clerk's Office...

Anna-Marie Edreira, file clerk in the Southern District of New York Clerk's Office...

Colleen Evans, clerk in the closed records room, Southern District of New York Clerk's Office....

(continued on page 6)
FRANCIS X. GINDHART, chief deputy clerk of the Court of Appeals...

LUCY C. HANSEN, chief probation clerk in the Western District of New York...

GLEN HUZINEK, file clerk in the Eastern District of New York Clerk's Office...

JOHN INGLESINO, file clerk in the Southern District of New York Clerk's Office...

ANTHONY JONES, file clerk in the Eastern District of New York Clerk's Office...

SUSAN MILLER, case processing clerk in the Court of Appeals Clerk's Office...

BARBARA MOLINELLI, Magistrate's Clerk in the Southern District of New York...

DANIEL MORETTI, courtroom deputy to Southern District of New York Judge Lloyd F. MacMahon...

DEBORAH NICOSIA, intake clerk in the Western District of New York Bankruptcy Clerk's Office...

BETTY RIEDERER, closing clerk in the Western District of New York Bankruptcy Clerk's Office...

JOHN SCONDO, file clerk in the Southern District of New York Clerk's Office...

ROBERT TRIMMER, probation officer in the Western District of New York....

GEORGE YARDE, file clerk in the Eastern District of New York Clerk's Office...

GWEN ZARR, file clerk in the Southern District of New York Clerk's Office...

PROMOTIONS/CHANGES...

MICHELLE BORCHARDING, Chapter 11 Case Manager, Bankruptcy Court, Western District of New York, has been promoted to Assistant Supervisor-Operations.

COLEEN A. BROWN, former law clerk to Western District of New York Bankruptcy Judge Beryl E. McGuire, has been appointed Estate Administrator in the Western District Bankruptcy Court...

LUCILE CARR, information clerk in the Court of Appeals Clerk's Office, has been promoted to case processing clerk...

VINCENT FLANAGAN, assistant circuit executive, has been promoted to Chief Deputy Clerk of the Court of Appeals...

KEVIN GLAVIN, case opening-data entry clerk in the Court of Appeals Clerk's Office has been promoted to statistical deputy...

BONNIE HALL, statistical deputy in the Court of Appeals Clerk's Office, has been promoted to systems analyst...

GENEVIEVE HOPSTOCK, case processing clerk in the Court of Appeals Clerk's Office, is now case opening clerk...

CLAUDIA A. O'DONNELL, financial deputy in the Bankruptcy Court, Western District of New York, has been promoted to Asst. Supervisor-Administration...

FRAN PEPPE, case opening clerk in the Court of Appeals Clerk's Office, has moved to the position of case processing clerk...

EVELYN PEREZ, docket clerk in the Eastern District of New York Clerk's Office, has been promoted to personnel officer in the Eastern District...

(continued on page 8)
Erie aboard the "Miss Buffalo." Joining the WDNY employees were friends, family and members of the local bar. JoAnn Baetzhold of the WDNY Bankruptcy Court organized the cruise. According to Laura Wolff, WDNY Chief Deputy Clerk, "plenty of music, food and beer made for a great time by all who attended."

For the eighth consecutive year, the Manhattan Federal Courthouse fielded a large team for the 3.5 Mile Corporate Challenge Race in Central Park held on June 19. The twenty-nine runners from the U.S. Courthouse team, all of whom were from the Southern District of New York, joined 10,000 other men and women from 700 corporations, government agencies and other organizations. Jon Rosenberg, law clerk to SDNY Judge David Edelstein, was the top finisher on the courthouse team at 23:36. The other runners in the team's top five, all of whom had times under 25 minutes, were Dan Kenneally (courtroom deputy to Judge Leonard B. Sand), Tom Eich and Don Scharf (Probation Department), and David Seide (law clerk to Judge Morris E. Lasker).

JUDICIAL CONFERENCE (from page 1)

this situation as "a matter of concern not simply for the courts involved, but much more for the bar and for litigants...." In the district courts, Chief Judge Feinberg observed, "the vacancies are taking their toll. This can most clearly be seen in the enormous caseloads of the judges and the length of time it is taking to dispose of civil cases. Last year, only the Southern District of New York was able to report a civil case median processing time as low as the national average of seven months...."

Chief Judge Feinberg also reviewed major developments in the circuit since the previous judicial conference, including the Eastern District of New York's decision to initiate a program of court-ordered arbitration. He discussed the Court of Appeals' decision not to revise (continued on page 8)
local rule § 0.23, which allows the use of summary unpublished dispositions, and urged the bar to "monitor the operation of the rule" to ensure that summary orders are not used in cases that have "jurisprudential value," i.e., settle a point not previously settled in this circuit. The chief judge discussed other topics as well, including the selection of new bankruptcy judges, representation on the circuit judicial council, State/Federal Judicial Councils in New York and Connecticut, and the work of various court committees.


At the conference dinner on September 6 the featured speaker was Chief Judge Sol Wachtler of the New York Court of Appeals. A former chairman of the State/Federal Judicial Council of New York, Judge Wachtler called for cooperation between both judiciaries in engendering public confidence in the courts. Eastern District Judge Joseph McLaughlin, as Toastmaster, introduced the judges appointed since the last conference. Circuit Judge Roger J. Miner responded.

Five workshops were held on the final morning of the conference to discuss the topics presented at the plenary sessions as well as additional subjects relating to provisions of the Act. A particular focus of controversy was the area of forfeiture of attorneys' fees, and implications for adequate representation of criminal defendants. The workshops were led by SDNY Judge John F. Keenan and attorney Stanley S. Arkin; District of Connecticut Judge Warren W. Eginton and SDNY U.S. Attorney Rudolph W. Giuliani; Court of Appeals Judge Roger J. Miner and attorney Otto G. Obermaier; EDNY Judge Leonard D. Wexler and attorney Patricia M. Hynes; and District of Vermont Judge Franklin S. Billings and EDNY U.S. Attorney Raymond J. Dearie.

The conference concluded with brief reports from each of the workshops and an interim report of the Committee on Pre-Trial Phase of Civil Cases, presented by committee chairman Professor Maurice Rosenberg of Columbia Law School.

TRANSITIONS (from page 6)

Deborah Spiller, probation clerk in the Western District of New York, has been promoted to Chief Probation Clerk...

Anna Vargas, records clerk in the Court of Appeals Clerk's Office, is now case opening-data entry clerk...

PERSONAL...

John Alvarez, procurement and property management specialist in the SDNY District Executive's Office, was elected president of the New York Chapter of the National Contract Management Association...

Christine Barber, secretary to the clerk of court in the District of Vermont, was elected secretary of the Federal Court Clerk's Association...

(continued on page 9)
NEW MAGISTRATES APPOINTED IN SDNY

Two new magistrates have been appointed in the Southern District of New York. The judges of the Court selected Kathleen Anne Roberts and James C. Francis IV to fill the positions, one of which is newly created and the other a vacancy that opened when Magistrate Harold J. Raby's term expired. Both Magistrate Roberts and Magistrate Francis are awaiting completion of their FBI background investigations; they will be officially sworn in shortly thereafter.

Magistrate Roberts was previously an Assistant U.S. Attorney in the Southern District of New York, while Magistrate Francis was with the Legal Aid Society. Both are graduates of Yale University Law School, in 1977 and 1978, respectively.

The Southern District's Committee on Magistrates selected Mr. Francis and Ms. Roberts from a list of ten attorneys recommended by a merit selection panel. Attorney Paul Grand heads the Magistrate's Selection Panel. Other members of the panel, all New York City attorneys, are Donald Blinken, Donald B. DeParma, Gordan J. Davis, Lorna B. Goodman, G.G. Michelson, Diane Ravitch, Alfred W. Roberts II, Jay Topkis and Vaughn C. Williams.

TRANSITIONS (from page 8)

Congratulations to Stephen Fersacci, deputy clerk in the Western District of New York Clerk's Office, Rochester, who was married on May 25...

Congratulations to Jeffrey Gilbert, court crier to Northern District of New York Judge James T. Foley, and his wife Barbara on the birth of their son Samuel on June 3...

Congratulations to Christine Reibell, assistant financial deputy in the Western District of New York Clerk's Office, Buffalo, who was married on July 27...

Congratulations to Mary Lou Susz, secretary to Western District of New York Bankruptcy Judge Beryl E. McGuire, on the birth of her daughter Lauren on August 20...