

**UNITED STATES COURT OF APPEALS
SECOND CIRCUIT**

CHAMBERS OF
JAMES L. OAKES
CHIEF JUDGE
U.S. COURTHOUSE
NEW YORK, N.Y. 10007

March 23, 1990

TO: L. Ralph Mecham, Director
For transmittal to:

The Chief Justice;
Members, U.S. Judicial Conference
Members, Judge Peckham's Committee

FROM: James L. Oakes

RE: S. 2027

On Wednesday afternoon, March 21st, Chief Judge Brieant of the Southern District of New York, Chief Judge Platt of the Eastern District of New York, and I met with two representatives of Federal Courts Committees of each of the four major New York bar associations to discuss S. 2027. These associations include the New York State Bar Association, the New York County Lawyers Association, the Association of the Bar of the City of New York, and the Federal Bar Council. Also attending the meeting were United States Magistrate Nina Gershon and Circuit Executive Steven Flanders.

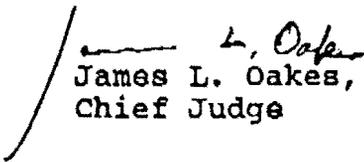
While we are all aware that one of the reasons for the Brookings Institute's Biden study was "the problems of high litigation costs and delay," so that the litigators have their own interests, the two chief judges and I felt that this group could make a contribution in terms of not only their own joint statement which they are putting together, but also by obtaining assistance from some of their corporate and other clients. They were impressed with the necessity of speed and the importance of the issues involved and they are developing their positions, which hopefully will be joint and constructive, with all of the resources at their respective commands within the next couple of weeks.

Indeed, the Association of the Bar of the City of New York had already had the General Counsel to the Senate Judiciary Committee, Mr. Peck, appear before it in connection with the Bill and one has the impression that Jeffrey Mishkin, Esquire, Chair of that Association's Federal Courts Committee, has a little bit of Mr. Peck's ear.

Meanwhile, I wanted to get to the Chief Justice, the other members of the Judicial Conference and Judge Peckham's Committee, the suggestion of Judge Jon Newman, who you will recall is quoted on page 1 of the Brookings Task Force report, "Justice for All." Judge Newman suggests that (1) we should attempt to get the Congress to put whatever bill results into a pilot-program type of bill as opposed to the mandatory and universal form that it presently takes, and (2) that the Judicial Conference of the United States should be the body that designates which districts are to participate in the pilot programs. I ran this idea past this group of lawyers and judges and they seemed to think it a good one, especially given that Senator Biden is surely going to want to get some legislation enacted.

I would add only one thing. Namely, that the Chief Judges of two of the larger districts in the country are convinced that the Act in its present form, imposed on top of the drug caseload, coupled with the Speedy Trial Act, would be crippling to the operations of their districts.

Sincerely,


James L. Oakes,
Chief Judge

cc: Hon. Charles L. Brieant, Jr.
Hon. Thomas C. Platt