

## STATE NEWS

# 9th Circuit Address Draws 400

By Susan Kostal

Daily Journal Staff Reporter

SAN FRANCISCO — Chief Judge Alfred T. Goodwin said he fears a fast-track Senate bill that would place the federal courts on a detailed case management system more than he fears efforts to split the 9th U.S. Circuit Court of Appeals.

In the annual State of the 9th Circuit Address Wednesday, Goodwin dismissed as unlikely a move to "peel off" the northern portion of the 9th circuit from the southern portion, and likened the effort to the giant Mormon crickets infesting Nevada, saying they come every seven years but leave without causing too much damage.

More pressing and dangerous is Congress' "reform frenzy" and attempts to "micro-manage" the district courts from Washington, Goodwin said. He expressed regret that U.S. Sen. Joseph Biden's bill, S 2027 — which would place limits on the amount of time allowed to litigate various categories of federal cases — was progressing rapidly without comment from district judges.

Goodwin's address Wednesday drew about 400 attorneys and judges, one of the largest crowds ever. The luncheon at

San Francisco's Fairmont Hotel was sponsored by the local chapter of the Federal Bar Association.

Goodwin urged judges and attorneys to concentrate on avoiding delays, and encouraged attorneys to remind the court about delayed decisions in their cases.

High on Goodwin's list of concerns is the circuit's slow rehabilitation after the October 17 earthquake, which left the court homeless and disjointed. Goodwin said the court "oversold its ability to keep on working" and has received little help from Washington.

The 7.1 quake will apparently also jolt the filing statistics, Goodwin said. The court will log a 3 percent drop in filings for 1989 because docketing delays caused several hundred cases received in 1989 to be entered on the court's 1990 docket.

Goodwin thanked "America's craving for recreational chemicals" and the resultant drug crackdown for boosting the federal judiciary's budget from \$880 million to \$2 billion over the last five years.

But the circuit still suffers from centralized budgeting, and does not yet have its long-awaited computer system in operation, he said.

Goodwin voiced his dismay at the circuit's 12 district court vacancies, but said some delay is likely when Congress and the White House are controlled by opposing parties.

The problem is "particularly painful" in the Northern District, Goodwin said, and especially in San Jose, one of the country's busiest federal courts which has two vacancies, Goodwin said.

An appointment brouhaha is delaying the nomination of now Santa Clara County Superior Court Judge James Ware to the federal bench. Mark Mendenhall, assistant circuit executive, confirmed that Goodwin's mention of a second vacancy was a reference to U.S. District Judge Robert P. Aguilar, who is not taking new cases since his indictment June 13 on obstruction of justice charges.

Despite a mounting number of criminal cases, the court continues to deal with civil cases in a timely manner, Goodwin said.

"The state of the circuit is surprisingly good, considering all that's happened," he said.

*J. Clark*  
*TS*  
*K. Feider*