

L. RALPH MECHAM  
DIRECTOR

JAMES E. MACKLIN, JR.  
DEPUTY DIRECTOR

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

WASHINGTON, D.C. 20544

May 25, 1990

Honorable Robert H. Hall  
United States District Court  
2188 United States Courthouse  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

Dear Judge Hall:

Thank you very much for your thoughtfulness in sending me copies of letters which you received from Senators Nunn and Fowler together with your second letter to each of them. I have taken the liberty of distributing them to some of the key players, namely Judge Peckham, Chairman of the Judicial Conference Subcommittee on the Biden bill, and Karen Siegel and Bob Feidler of my staff who are handling the staff support on the bill.

Sincerely,

A handwritten signature in cursive script that reads "L. Ralph Mecham". The signature is written in dark ink and is positioned above the typed name.

L. Ralph Mecham

cc: Honorable Robert Peckham  
Robert Feidler  
Karen Siegel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA  
2188 UNITED STATES COURTHOUSE  
75 SPRING STREET, S. W.  
ATLANTA, GEORGIA 30303

CHAMBERS OF  
ROBERT H. HALL, JUDGE

May 17, 1990

Mr. L. Ralph Mecham  
Director  
Administrative Office of the U.S. Courts  
Washington, D.C. 20544

Dear Ralph:

I am enclosing copies of responses from Senator Sam Nunn and Senator Wyche Fowler, Jr. and my second letter to each of them.

Sincerely,

*RH*

Robert H. Hall

RHH/ma

Enclosures.

SAM NUNN, GEORGIA, CHAIRMAN  
J. JAMES EXON, NEBRASKA  
CARL LEVIN, MICHIGAN  
EDWARD M. KENNEDY, MASSACHUSETTS  
JEFF BINGAMAN, NEW MEXICO  
ALAN J. OIXON, ILLINOIS  
JOHN GLENN, OHIO  
ALBERT GORE, JR., TENNESSEE  
TIMOTHY E. WIRTH, COLORADO  
RICHARD C. SHELBY, ALABAMA  
ROBERT C. BYRD, WEST VIRGINIA  
JOHN W. WARNER, VIRGINIA  
STROM THURMOND, SOUTH CAROLINA  
WILLIAM S. COHEN, MAINE  
PETE WILSON, CALIFORNIA  
JOHN MCCAIN, ARIZONA  
MALCOLM WALLOP, WYOMING  
SLADE GORTON, WASHINGTON  
TRENT LOTT, MISSISSIPPI  
DAN COATS, INDIANA  
ARNOLD L. PUNARO, STAFF DIRECTOR  
PATRICK A. TUCKER, STAFF DIRECTOR FOR THE MINORITY

# United States Senate

COMMITTEE ON ARMED SERVICES  
WASHINGTON, DC 20510-6050

April 30, 1990

The Honorable Robert H. Hall  
Judge, United States District Court  
2188 United States Courthouse  
75 Spring Street, SW  
Atlanta, Georgia 30303

Dear Bob:

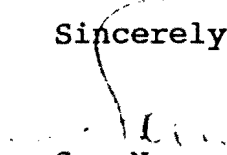
Thank you for contacting me to express your concerns about the pending Civil Justice Reform bill, S. 2027. I appreciate your providing me with your unique perspective on this important matter.

I understand your concern. I know that Senator Biden is interested in moving a reform package of some type this year. My colleague, Senator Heflin of Alabama, chairs the Courts and Administrative Practice Subcommittee of the Judiciary Committee which is reviewing S. 2027. I have forwarded a copy of your letter to his subcommittee.

I will be monitoring with interest the Judiciary Committee's action on this bill. Your points are well taken and I assure you that I will remember your comments should the full Senate have an opportunity to debate S. 2027.

As always, it was good to hear from you. Please continue to contact me on matters of concern to you.

Sincerely,

  
Sam Nunn

ROBERT C. BYRD, WEST VIRGINIA, CHAIRMAN

DAMIEN K. INOUE, HAWAII  
ERNEST F. HOLLINGS, SOUTH CAROLINA  
J. BENNETT JOHNSTON, LOUISIANA  
QUENTIN N. BURDICK, NORTH DAKOTA  
PATRICK J. LEAHY, VERMONT  
JIM SASSER, TENNESSEE  
DENNIS DECONCINI, ARIZONA  
DALE BUMPERS, ARKANSAS  
FRANK R. LAUTENBERG, NEW JERSEY  
TOM HARKIN, IOWA  
BARBARA A. MIKULSKI, MARYLAND  
HARRY REID, NEVADA  
BROCK ADAMS, WASHINGTON  
WYCHE FOWLER, JR., GEORGIA  
J. ROBERT KERREY, NEBRASKA

MARK O. HATFIELD, OREGON  
TED STEVENS, ALASKA  
JAMES A. MCCLURE, IDAHO  
JAKE GARN, UTAH  
THAD COCHRAN, MISSISSIPPI  
ROBERT W. KASTEN, JR., WISCONSIN  
ALFONSE M. D'AMATO, NEW YORK  
WARREN RUDMAN, NEW HAMPSHIRE  
ARLEN SPECTER, PENNSYLVANIA  
PETE V. DOMENICI, NEW MEXICO  
CHARLES E. GRASSLEY, IOWA  
DON NICKLES, OKLAHOMA  
PHIL GRAMM, TEXAS

## United States Senate

COMMITTEE ON APPROPRIATIONS  
WASHINGTON, DC 20510-6025

April 19, 1990

JAMES H. ENGLISH, STAFF DIRECTOR  
J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

Honorable Robert H. Hall  
United States District Court  
Northern District of Georgia  
2188 United States Courthouse  
75 Spring Street, S.W.  
Atlanta, GA 30303

Dear Bob:

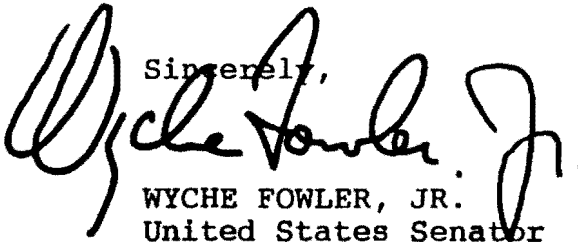
Thank you for letting me know of your opposition to the Civil Justice Reform Act (S. 2027). I appreciate your concerns, especially in light of the implications this legislation would have for expanding the judiciary's bureaucracy.

I admire the intent of Senator Biden and supporters of his bill. Improvement in the quality and speed, as well as reduction in the costs, of civil litigation are obviously goals we would all like to achieve, and I am sympathetic to Senator Biden's desire to alleviate the problems caused by the backlog of civil cases in our federal courts. However, I have reservations about the specifics of S. 2027, especially the bill's requirement for implementation of a model plan for all district courts.

Currently, S. 2027 is pending in the Senate Judiciary Committee. A House companion measure sponsored by Representative Brooks (H.R. 3898) is likewise under review by the House Judiciary Committee. A hearing was held on the Senate version early last month, but no final decision was made by the Judiciary Committee on whether to approve the measure for consideration by the full Senate.

Bob, I appreciate the work you have put into analyzing this legislation and look forward to reviewing your analysis in detail. As always, I value your expertise on judicial matters.

Sincerely,



WYCHE FOWLER, JR.  
United States Senator

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA  
2198 UNITED STATES COURTHOUSE  
75 SPRING STREET S. W.  
ATLANTA, GEORGIA 30303

CHAMBERS OF  
ROBERT H. HALL, JUDGE

May 17, 1990

Honorable Sam Nunn  
Georgia State Senator  
303 Dirksen Building  
Washington, D.C. 20510

Dear Sam:

Thank you for your response to my letter about S.2027. This letter is written to furnish you with some additional information.

On April 20, 1990, the Board of Governors of the American Bar Association adopted a resolution opposing S.2027. On May 6, 1990 at the Eleventh Circuit Judicial Conference, the District Judges Association of the Eleventh Circuit, composed of all the District Court Judges in Alabama, Florida and Georgia, unanimously adopted a resolution opposing S.2027. On April 6, 1990, the Federal Bar Association's National Council adopted a resolution opposing S.2027. In addition, the Association of the Bar of the City of New York, the New York County Lawyers Association and the New York State Bar Association issued a statement against the enactment of S.2027. This strong reaction from the federal bench and bar to S.2027 illustrates widespread opposition to S.2027.

I have seen the draft of a possible revision of S.2027 submitted by the Judiciary Committee staff. Most of the major flaws found in the original bill remain in the new draft.

The Administrative Office of the United States Courts has stated that the estimated cost of implementing S.2027 would be \$111 million and 764 staff years or FTEs the first year and \$76 million and 545 staff years or FTEs annually after the first year. C. B. Rogers, an able Atlanta trial attorney, has stated that the assumption of S.2027 that speed and cost reduction can be pursued independently is a fallacy. The requirement of greater speed in discovery and other matters will be met by the litigants simply putting more lawyers and staff on the case. Mr. Rogers has concluded that greater

Honorable Sam Nunn  
May 17, 1990  
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speed to trial will be purchased with greater cost to litigants. With respect to other mandates of S.2027, I stated in my previous letter that they will generate further disputes between the parties, thereby delaying resolution of the lawsuit.

In summary, S.2027 will cost the government millions of unnecessary tax dollars, create a more bloated judicial bureaucracy, increase the costs to the litigants and reduce the amount of time a district judge has to try civil or criminal cases.

I regret that I must call your attention to another bill, S.1972. This bill is so bizarre that most judges find it difficult to believe that it is actually being considered. S.1972 establishes a program in which all felony drug cases that would otherwise be prosecuted in a state jurisdiction are prosecuted in Federal Court. The bill provides that all cases involving persons arrested on a designated day each month by state authorities for offenses that are also felony violations of the Controlled Substances Act or the Controlled Substances Export and Import Act would be presented to a Federal Grand Jury. If indictments were issued by the Federal Grand Jury, these cases would then be prosecuted in Federal Court.

S.1972 would add approximately 14,528 criminal cases per year in the Federal Courts. (11,891 criminal drug cases were filed in U.S. District Courts in 1989). This would more than double the current criminal drug caseload for U.S. District Courts. The enactment of this bill effectively would eliminate the trial of any civil cases in the U.S. District Courts. Ironically, the bill seeks the opposite result as that called for in the Report of the Federal Courts Study Committee, p. 37: "The federal system must not be overwhelmed with cases that could be prosecuted in the state courts." The Administrative Office of the United States Courts has stated that the estimated cost of implementing S.1972 would be \$310 million and 3,316 staff years or FTEs annually.

How could such dramatically opposing bills, S.2027 and S.1972, come out of the staff of the Senate Judiciary Committee? I have been told that different staff members drafted the two bills without any joint consultation.

Honorable Sam Nunn  
May 17, 1990  
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In the name of common sense, I respectfully recommend  
that you oppose S.2027 and S.1972.

Sincerely yours,



Robert H. Hall

RHH/ma

cc: All United States District Judges in Georgia