

L. RALPH MECHAM
DIRECTOR

JAMES E. MACKLIN, JR.
DEPUTY DIRECTOR

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

WASHINGTON, D.C. 20544

April 12, 1990


MEMORANDUM TO SUBCOMMITTEE ON THE BIDEN BILL

Re: S. 2027

Attached for your information is a report from Judge Barefoot Sanders on reactions from the Fifth Circuit on the Biden bill. This tracks with less formal reports from all over the country.

Judge William O'Kelley telephoned again to say that he is prepared to alert the whole Georgia delegation to oppose the bill which he is optimistic they will do.

Following a call from Judge Charles Simons, Senator Thurmond scolded his staffers for getting him on the bill as a sponsor.



L. Ralph Mecham

Attachment

United States District Court

NORTHERN DISTRICT OF TEXAS
1100 COMMERCE STREET
DALLAS, TEXAS 75242

CHAMBERS OF
JUDGE BAREFOOT SANDERS

April 6, 1990

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

Re: S.2027, proposed Civil Justice Reform Act of 1990

Dear Mr. Mecham:

I have received some comments from district judges in the Fifth Circuit about the above bill in response to the material furnished by the Administrative Office recently. Apparently, many judges did not receive, or were not aware that they had received, your memo. I have asked each chief district judge in the Fifth Circuit to provide me the input of his court by April 12.

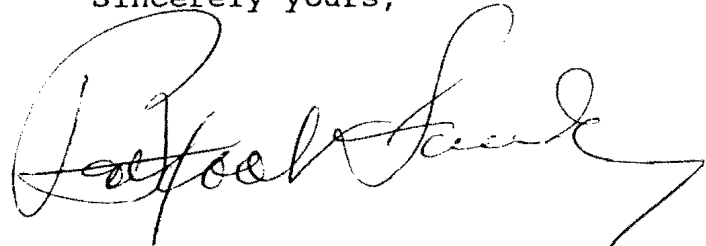
I understand that discussions in behalf of the Conference are underway with Senator Biden. For that reason I am setting forth below some of the reactions which I have received:

- an "extraordinary intrusion into the affairs of the judicial branch". Judiciary is able to handle delay; expense is primarily a problem between lawyer and client --
- This is "meddling". We are already disposing of cases promptly and have a "well-oiled machine". Please leave us alone. --
- The bill is "frightening". Nothing will be accomplished except more conferences which are useless and which will cause delay. --
- Criminal cases are crowding out civil cases; that is the reason for delays. This bill will not remedy that problem. --

- S.2027 is "the most naive proposal I have ever heard". It will be harmful to lawyers and to judges. --
- This is an attempt by Congress to micro-manage courts and to require courts to micro-manage lawyers. It will cause delay.

I agree with these comments and hope they will be helpful. I will provide additional comments after April 12.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Barefoot Sanders". The signature is written in black ink and is positioned above the typed name.

BAREFOOT SANDERS
Chief Judge
Northern District of Texas

cc: Honorable Charles Clark
Honorable Robert Peckham

United States District Court
Eastern District of Missouri
319 U.S. Court House & Custom House
St. Louis, Missouri

John F. Nangle
Chief Judge

(314) 539-3603
TCS 262-3603

April 6, 1990

TO: MEMBERS OF THE EXECUTIVE COMMITTEE
RE: Senate Bill 2027

I have some interesting information although I do not fully comprehend its significance. I heard yesterday from a Judge who is on the District Court in the Western District of Missouri. He advises that Judge Scott Wright has been contacted by the Senate Judiciary Staff to request his appearance to testify at a committee hearing concerning the above bill. Apparently, he is to testify because the staff feels that parts of the Biden Bill are similar to Rule 16 of the Western District's local rules. He anticipates being asked about the Western District of Missouri ADR procedures. I believe that Scott plans to have a meeting late next week with his other Judges and members of their Federal Practice Committee concerning these subjects.

For your further information, I would advise that I have contacted all of the District Judges in the Eighth Circuit concerning the above bill. I have heard from 29 of them in all, 28 expressing opposition to the Biden Bill and one, Scott Wright, stating that he does support the bill (although he would suggest some minor changes). There are six active Judges in the Western District and the other five of them have written me expressing general opposition to the Biden Bill.

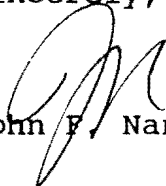
I apologize for giving you all of the above facts but they present a puzzle to me. As we all know, Senator Biden will be able to find five or six or seven Judges who have views similar to those of Scott Wright's. I urge that we specifically request our district court representatives to advise us about the views of their district judges on the Biden Bill as soon as possible. We must arm our spokesman at the next hearing so that he or she will have some statistical support when testifying. Otherwise, I fear that a totally wrong impression may be given by the apparent

John F. Nangle

Members of the Executive Committee
April 6, 1990
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"selectivity" being followed by the Senate Committee in choosing
who will testify concerning the Biden Bill.

Sincerely,



John F. Nangle

JFN:bar

CC: L. Ralph Mecham
Karen K. Siegel