

MAR 20 1990

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

LEVIN H. CAMPBELL
CHIEF JUDGE

1618 U.S. COURTHOUSE
BOSTON, MASSACHUSETTS 02109

March 20, 1990

Honorable Robert F. Peckham
United States District Court
Northern District of California
P.O. Box 36060
450 Golden Gate Avenue
San Francisco, California 94102

Dear Bob:

In coping with the Biden bill, two thoughts occur to me which might be of help:

1. You might want to try to find an expert witness (besides judges) who is not a federal judge who could testify as to the weaknesses in the Biden proposal. Would there be someone like your circuit's former circuit executive (Mr. Davis?) or some other recognized court management authority who would be able to develop an expert analysis pointing out the undesirable features of the Biden proposal? The ideal expert would be someone who could point out that one of the great advantages of the individual calendar used by federal courts is that it enlists the judge's initiative and allows flexibility to deal with particular caseload problems. This contrasts with the more guided lock-step approach often used in state systems. Many litigators like the federal courts precisely because they are more current. Perhaps, besides a court administration expert, one could even use (in addition) an expert in industrial psychology to explain why the best way to get the most from people like judges (as other professionals) is by sparking their initiative rather than by imposing a production-line format, which kills initiative. There may be statistics which will support this view.


2. In connection with the above, you will doubtless be planning now the people and documentary evidence you will need to make a case to Congress. By visualizing the case one wants to make, one can decide which witnesses, including experts, will be required. You can then recruit them now, and give them the needed time to develop their testimony. Since statistical data, research of the literature, etc., may be needed, such people need to be identified and begin their work now.

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I am sure you are way ahead of me on all this, but I thought I would make the suggestion, especially as to the possible value of one or more non-judge experts in court administration who can point out the problems with Biden in the terms of management theory and practice. You know that field better than anyone else and doubtless know who, if anyone, might be available. Can they be paid?

Since you are enormously busy, please don't bother to reply.

Sincerely,


Levin H. Campbell

cc: Honorable Charles Clark

/dcd