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WITHDRAWAL SHEET

Ronald Reagan Library

Collection: FIELDING, FRED F.: Files

Archivist: dlb/bcb

File Folder: Judicial Selection Materials - May 1983 CFOA 428

Date: 12/1/97

[1 of 2]

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. judicial questionnaire	re Thomas Curran, 8p.	n.d.	<i>b6 b7C</i>
2. letter	John Blue to Dennis Patrick re Morton Galanter, 4p.	04/13/83	<i>b6 b7C</i> <i>CR 11/14/00</i>

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

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May 9, 1983

ADVISORY STATUS REPORT FOR THE ATTORNEY GENERAL AND DEPUTY ATTORNEY GENERAL

UNITED STATES DISTRICT JUDGEShips - LOG

DISTRICT	SPONSOR	VACANCIES	CANDIDATE	RESUME	FBI BACKGROUND COMMENCED	RATING	TO WH	REMARKS
E.D. Calif		one, eff 1/27/83						
C.D. Calif	Hayakawa	Two, eff 9/82 & 3/5/83						
N.D. Calif		One, eff 10/9/82	John P. Vukasin, Jr.	Yes	10/21	Q	11/30	Sen 12/17 Returned to WH 12/27 Sen 1/31
Conn		One, eff 1/1/83	Peter C. Dorsey	Yes	2/16	WQ-inf		
D.C.		One, eff 1/31/83						
N.D. Fla		One, eff 01/03/83	C. Roger Vinson					
M.D. Fla		One, eff 11/15/82	John W. Booth	Yes	1/14	NQ-inf		
S.D. Fla		One, eff 12/31/82						
E.D. La.		one, eff 3/82	Martin C. Feldman Marcel Audais, Jr.		3/4	Q-inf		

DISTRICT	SPONSOR	VACANCIES	CANDIDATE	RESUME	FBI BACKGROUND COMMENCED	RATING	TO WH	REMARKS
Maine		One, eff 6/1/83	Gene Carter		3/18	EWQ/WQ		
Maryland		One, eff 12/31/82	Elsbeth Bothe John Hargrove Paul Mannes David Ross Frederick Smalkin					
E.D. Mich		One, eff 4/20/83						
N.D. Miss		One, eff 4/26/83						
Mo, E&W		One, eff ret 5/10/83	Stephen N. Limbaugh		3/18			
Nevada		One, eff 10/29/82	Morton R. Galane	Yes	10/21	WQ	2/18	
N.J.		One, eff 2/1/83	Maryanne Trump Barry	Yes	4/14			
N.M.	Schmitt & Domenici	One, eff 7/3/82	B.R. Baldock Gerald R. Cole John E. Conway James A. Parker Paul W. Robinson		1/28/83	Q	4/18	Sen 5/2
S.D. NY	D'Amato	One, eff 5/82	John F. Brennan	Yes	4/14			
E.D. NY	D'Amato	One, eff 6/29/82	Leonard Ler		1/20/83	Q	5/2	

DISTRICT	SPONSOR	VACANCIES	CANDIDATE	RESUME	FBI BACKGROUND COMMENCED	RATING	WH	REMARKS
Oregon		One, eff 4//4/84						
E.D. Pa		Three, eff 1/82, 7/82 & 9/82	Thomas N. O'Neill, Jr. James Mc. Kelly Marvin Katz	Yes	2/17/83 3/18 3/18	EWQ Q-inf WQ-inf		
Puerto Rico		One, eff 9/82	Roberto Cordova Hector Laffitte	Yes Yes	2/2/83	WQ		
E.D. Tenn		Two, eff 8/31/82 & 9/29/82	Tom Hull Ted Milburn		1/14 1/14	Q-inf WQ	4/6	Sen 4/14
W.D. Tenn		One, eff 8/82	Julia Gibbons		1/14	Q/NQ	3/28	Sen 4/12
S.D. Texas		One, eff 12/25/82	Ricardo Hinojosa	Yes	1/14	Q/NQ	3/21	Conf 5/4 Appt 5/5
W. Va, So.		One, eff 2/25/83	Elizabeth Hallanan Harold Brewster Berkeley Lilly Blane Michael					
E.D. Wisc		One, eff 2/12/83						

ADVISORY STATUS REPORT FOR THE ATTORNEY GENERAL AND DEPUTY ATTORNEY GENERAL

UNITED STATES CIRCUIT & SPECIAL JUDGEShips - LOG

DISTRICT	SPONSOR	VACANCIES	CANDIDATE	RESUME	FBI BACKGROUND COMMENCED	RATING	TO WH	REMARKS
<u>Fourth</u> (Md, NC, SC, Va & WVA)		One for Va eff 11/01/82	Kenneth Starr Albert Byran Calvitt Clarke, Jr. Glen M. Williams		3/23			
<u>Fifth</u> (La, Miss, Tx- & Canal Zone)		One for La eff 12/22/81	W. Eugene Davis	Yes				
<u>Seventh</u> (Ill, Ind, & Wisc)		One for Ill eff 5/15/82	Joel Flaum	Yes	2/16/83	EWQ	4/5	Conf 5/4 Appt 5/4
<u>Eighth</u> (Ark, Iowa, Minn, Mo & S.D.)		One for Ark eff 5/31/82	Pasco Bowman	Yes	10/21	Q/NQ		
<u>Federal Circuit</u> (formerly Claims Court)		One, eff 2/21/82	Sherman E. Unger		comp	NQ	12/13 Returned to WH	Sen 12/15 12/27 Sen 4/21

DISTRICT	SPONSOR	VACANCIES	CANDIDATES	RESUME	FBI BACKGROUND COMMENCED	RATING	TO WH	REMARKS
<u>Ct of International Trade</u>		One, eff & 12/31/82						
<u>Claims Court eff 10/1/82</u>		self	James F. Merow	Yes	8/9	---	11/24	Sen 12/6 Returned to WH 12/27
		self	Robert J. Yock	Yes	8/9	---	10/29	Sen 11/19 Hear 12/6 Returned to WH 12/27
		self	Joseph Colaianni	Yes	8/13	---	10/29	Sen 11/19 Hear 12/6 Returned to WH 12/27
		Spector, eff 02/25/83	Moody Tidwell	Yes	11/24	---	2/18	Sen 3/30 Hear 5/4

RECOMMENDATIONS RECEIVED FOR APPOINTMENTS

MAY 9 1983

UNITED STATES ATTORNEYS - LOG

DISTRICT	SPONSOR	CANDIDATE	MEMO TO ASSO.AG	PRE-FBI TO WH	FBI STARTED	PRE-NOM INTERVIEW	NOM TO WH	NOM TO SEN	REMARKS
Arkansas, E.	Bethune Hammerschmidt	George W. Proctor (incumbent)	01/27/83	06/02/81	02/17/83	07/14/81	04/20/83	05/02/83	No Vacancy I.T.E. 11/26/83 Approved by AG & WH to finish 4 year term
Guam/ N. Marianas	Gov. Calvo	Jack Avery	12/23/82	01/12/83	01/13/83				Vac - I.T.E. 11/02/81

UNITED STATES ATTORNEYS APPOINTED BY PRESIDENT REAGAN

<u>DISTRICT</u>	<u>NAME</u>	<u>CONFIRMATION</u>	<u>APPOINTMENT</u>	<u>ENTRANCE ON DUTY</u>
Alabama, N.	Frank W. Donaldson	09/16/81	09/19/81	10/06/81
Alabama, M.	John C. Bell	07/31/81	08/03/81	08/14/81
Alabama, S.	J. B. Sessions, III	07/31/81	08/03/81	08/07/81
Alaska	Michael R. Spaan	07/31/81	08/03/81	08/31/81
Arizona	A. Melvin McDonald	07/31/81	08/03/81	09/01/81
Arkansas, W.	W. Asa Hutchinson	03/31/82	04/01/82	04/09/82
California, N.	Joseph P. Russoniello	11/18/81	11/18/81	01/06/82
California, E.	Donald B. Ayer	12/03/81	12/03/81	12/24/81
California, C.	Stephen S. Trott	02/08/82	02/09/82	03/10/82
California, S.	Peter K. Nunez	12/10/82	12/10/82	01/06/83
Colorado	Robert N. Miller	11/24/81	12/01/81	12/07/81
Connecticut	Alan H. Nevas	11/18/81	11/18/81	12/11/81
Delaware	Joseph J. Farnan, Jr.	07/31/81	08/03/81	08/04/81
D.C.	Stanley S. Harris	12/16/81	12/17/81	02/05/82
Florida, N.	W. Thomas Dillard	02/23/83	02/24/83	03/04/83
Florida, M.	Robert W. Merkle, Jr.	04/22/82	04/23/82	04/30/82
Florida, S.	Stanley Marcus	04/22/82	04/23/82	07/28/82
Georgia, N.	Larry D. Thompson	08/05/82	08/06/82	09/13/82
Georgia, M.	Joe D. Whitley	10/21/81	10/26/81	11/12/81
Georgia, S.	Hinton R. Pierce	12/09/81	12/10/81	12/18/81
Hawaii	Daniel A. Bent	04/13/83	04/14/83	
Idaho	Guy G. Hurlbutt	10/29/81	10/29/81	11/02/81
Illinois, N.	Daniel K. Webb	10/21/81	10/26/81	12/01/81
Illinois, C.	Gerald D. Fines	11/10/81	11/12/81	11/27/81
Illinois, S.	Frederick J. Hess	03/31/82	04/01/82	04/12/82
Indiana, N.	R. Lawrence Steele, Jr.	07/31/82	08/03/82	08/31/82
Indiana, S.	Sarah Evans Barker	07/15/82	07/16/82	07/24/82
Iowa, N.	Evan L. Hultman	05/11/82	05/11/82	05/13/82
Iowa, S.	Richard C. Turner	12/06/81	12/17/81	03/05/82
Kansas	Jim J. Marquez	11/24/81	12/01/81	12/30/81
Kentucky, E.	Louis G. DeFalaise	12/03/81	12/03/81	12/08/81
Kentucky, W.	Ronald E. Meredith	10/21/81	10/26/81	11/06/81
Louisiana, E.	John P. Volz	03/23/83	03/24/83	03/25/83
Louisiana, M	Stanford O. Bardwell, Jr.	10/20/81	10/24/81	10/26/81
Louisiana, W.	Joseph S. Cage, Jr.	12/09/81	12/10/81	01/08/82
Maine	Richard S. Cohen	07/31/81	08/03/81	08/11/81
Maryland	J. Frederick Motz	09/16/81	09/19/81	10/21/81
Massachusetts	William F. Weld	02/08/82	02/09/81	02/16/82

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<u>DISTRICT</u>	<u>NAME</u>	<u>CONFIRMATION</u>	<u>APPOINTMENT</u>	<u>ENTRANCE ON DUTY</u>
Michigan, E.	Leonard R. Gilman	10/07/81	10/08/81	10/27/81
Michigan, W.	John A. Smietanka	10/07/81	10/08/81	10/19/81
Minnesota	James M. Rosenbaum	11/24/81	12/01/81	12/10/81
Mississippi, N.	Glen H. Davidson	10/01/81	10/02/81	11/05/81
Mississippi, S.	George L. Phillips	10/01/81	10/02/81	10/08/81
Missouri, E.	Thomas E. Dittmeier	07/31/81	08/03/81	08/21/81
Missouri, W.	Robert G. Ulrich	12/09/81	12/10/81	12/24/81
Montana	Byron H. Dunbar	12/09/81	12/10/81	12/17/81
Nebraska	Ronald D. Lahners	11/10/81	11/12/81	11/30/81
Nevada	Lamond R. Mills	02/08/82	02/09/82	03/05/82
New Hampshire	W. Stephen Thayer, III	09/16/81	09/19/81	09/25/81
New Jersey	W. Hunt Dumont	11/10/81	11/12/81	12/02/81
New Mexico	William L. Lutz	03/15/82	03/16/82	03/19/82
New York, S.	Rudolph W. Giuliani	05/04/83		
New York, N.	Frederick J. Scullin	08/05/82	08/06/82	08/31/82
New York, E.	Raymond J. Dearie	08/20/82	08/20/82	08/25/82
New York, W.	Salvatore R. Martoche	05/05/82	05/06/82	05/10/82
North Carolina, E.	Samuel T. Currin	10/07/81	10/08/81	10/09/81
North Carolina, M.	Kenneth W. McAllister	10/07/81	10/08/81	10/22/81
North Carolina, W.	Charles R. Brewer	11/10/81	11/12/81	11/13/81
North Dakota	Rodney S. Webb	10/07/81	10/08/81	10/16/81
Ohio, N.	J. William Petro	03/04/82	03/10/82	03/15/82
Ohio, S.	Christopher K. Barnes	12/09/81	12/10/81	01/05/82
Oklahoma, N.	Francis A. Keating, II	06/10/81	06/11/81	06/12/81
Oklahoma, E.	Gary L. Richardson	04/22/82	04/23/82	05/26/82
Oklahoma, W.	William S. Price	05/04/82	05/05/82	05/07/82
Oregon	Charles H. Turner	03/31/82	04/01/82	04/13/82
Pennsylvania, E.	Edward S. G. Dennis, Jr.	05/03/83	05/04/83	
Pennsylvania, M.	David D. Queen	03/15/82	03/15/82	03/22/82
Pennsylvania, W.	J. Alan Johnson	03/15/82	03/16/82	04/15/82
Puerto Rico	Daniel F. Lopez Romo	12/21/82	12/22/82	12/30/82
Rhode Island	Lincoln C. Almond	11/10/81	11/12/81	11/30/81
South Carolina	Henry Dargan McMaster	05/21/81	05/22/81	06/05/81
South Dakota	Philip N. Hogen	11/18/81	11/18/81	12/05/81
Tennessee, E.	John W. Gill, Jr.	11/18/81	11/18/81	12/03/81
Tennessee, M.	Joe B. Brown	12/09/81	12/10/81	12/14/81
Tennessee, W.	W. Hickman Ewing, Jr.	10/29/81	10/29/81	11/24/81
Texas, N.	James A. Rolfe	07/03/81	08/03/81	08/10/81
Texas, S.	Daniel K. Hedges	07/31/81	08/03/81	07/27/81
Texas, E.	Robert J. Wortham	11/18/81	11/18/81	11/20/81
Texas, W.	Edward C. Prado	07/15/81	07/16/81	08/21/81

UNITED STATES ATTORNEYS APPOINTED BY PRESIDENT REAGAN

<u>DISTRICT</u>	<u>NAME</u>	<u>CONFIRMATION</u>	<u>APPOINTMENT</u>	<u>ENTRANCE ON DUTY</u>
Utah	Brent D. Ward	12/03/81	12/03/81	12/07/81
Vermont	George W. F. Cook	10/07/81	10/08/81	10/09/81
Virginia, E.	Elsie L. Munsell	11/10/81	11/12/81	11/24/81
Virginia, W.	John P. Alderman	11/10/81	11/12/81	11/25/81
Virgin Islands	James W. Diehm	03/02/83	03/03/83	04/08/83
Washington, E.	John E. Lamp	10/01/81	10/02/81	12/04/81
Washington, W.	Gene S. Anderson	12/09/81	12/10/81	01/05/82
West Virginia, N.	William A. Kolibash	05/12/81	05/13/81	06/04/81
West Virginia, S.	David A. Faber	12/09/81	12/10/81	01/12/82
Wisconsin, E.	Joseph P. Stadtmueller	12/03/81	12/03/81	12/21/81
Wisconsin, W.	John R. Byrnes	12/09/81	12/10/81	12/12/81
Wyoming	Richard A. Stacy	07/31/81	08/03/81	09/08/81

UNITED STATES MARSHALS APPOINTED BY PRESIDENT REAGAN

<u>DISTRICT</u>	<u>NAME</u>	<u>CONFIRMATION</u>	<u>APPOINTMENT</u>	<u>ENTRANCE ON DUTY</u>
Alabama, N.	Thomas C. Greene	10/7/81	10/8/81	10/15/81
Alabama, M.	Melvin E. Jones	10/7/81	10/8/81	10/23/81
Alabama, S.	Howard V. Adair	12/3/81	12/5/81	12/9/81
Alaska				
Arizona	John W. Roberts	12/9/81	12/10/81	12/14/81
Arkansas, E.	Charles E. Gray	3/31/82	4/1/82	4/30/82
Arkansas, W.	James C. Patterson	2/23/83	2/24/83	3/8/83
California, N.				
California, E.	Arthur Van Court	9/29/30	9/30/82	10/18/82
California, S.				
California, C.	Julio Gonzales	7/27/82	7/28/82	8/11/82
Colorado	Charles L. Dunahue	8/18/82	8/18/82	8/27/82
Connecticut	P.A. Mangini	10/21/81	10/26/81	11/16/81
Delaware	O. Evans Denney	6/26/81	6/30/81	7/12/81
District of Columbia				
Florida, M.	Richard L. Cox	3/4/82	3/9/82	3/15/82
Florida, N.	W. L. McLendon	12/9/81	12/10/81	1/8/82
Florida, S.	Carlos C. Cruz	3/4/82	3/9/82	3/16/82
Georgia, N.	Lynn H. Duncan	10/7/81	10/8/81	11/2/81
Georgia, M.				
Georgia, S.	M. Clifton Nettles	3/4/82	3/9/82	3/15/82
Guam	Edward M. Camacho	9/15/82	9/15/82	9/22/82
Hawaii	Faith P. Evans	8/5/82	8/6/82	8/12/82
Idaho	Blaine Skinner	11/10/81	11/12/81	12/3/81
Illinois, N.				
Illinois, C.	James L. Fyke	4/21/82	4/22/82	5/10/82
Illinois, S.	William J. Nettles	3/4/82	3/9/82	4/2/82
Indiana, N.	J. Jerome Perkins	11/18/81	11/18/81	12/11/81
Indiana, S.	Ralph D. Morgan	10/7/81	10/8/81	10/30/81
Iowa, N.	James P. Jonker	12/9/81	12/10/81	12/28/81
Iowa, S.	Warren Stump	12/9/81	12/10/81	2/1/82
Kansas	Kenneth L. Pekarek	12/9/81	12/10/81	12/14/81
Kentucky, E.	Charles Pennington	11/10/81	11/12/81	12/7/81
Kentucky, W.	Ralph Boling	10/21/81	10/26/81	11/8/81
Louisiana, E.				
Louisiana, M.	James L. Meyers	12/3/81	12/5/81	12/30/81
Louisiana, W.				

(Removed 12/16/82)

UNITED STATES MARSHALS APPOINTED BY PRESIDENT REAGAN

<u>DISTRICT</u>	<u>NAME</u>	<u>CONFIRMATION</u>	<u>APPOINTMENT</u>	<u>ENTRANCE ON DUTY</u>
Maine	Emery R. Jordan	10/1/81	10/2/81	10/8/81
Maryland				
Massachusetts				
Michigan, E.	Anthony Bertoni	12/10/82	12/10/82	1/6/83
Michigan, W.	John R. Kendall	12/9/81	12/10/81	12/15/81
Minnesota	Robert Pavlak	12/9/81	12/10/81	12/14/81
Mississippi, N.	Dwight G. Williams	12/10/82	12/10/82	12/26/82
Mississippi, S.	Marvin E. Breazeale	5/12/82	5/13/82	5/21/82
Missouri, E.	William S. Vaughn	12/3/81	12/5/81	12/22/81
Missouri, W.	Lee Koury	12/9/81	12/10/81	12/14/81
Montana	Ronald J. Alles	2/23/83	2/24/83	3/18/83
Nebraska	Thomas A. O'Hara, Jr.	2/8/82	2/22/82	3/1/82
Nevada	Denny Sampson	11/18/81	11/18/81	11/29/81
New Hampshire	Ronald D. Daniels, Jr.	11/24/81	12/1/81	12/2/81
New Jersey	Eugene G. Liss	3/4/82	3/9/82	5/6/82
New Mexico	Rudolph G. Miller	3/4/82	3/9/82	3/12/82
New York, N.	Francis K. Peo	6/18/82	7/28/82	7/28/82
New York, E.	Charles E. Healey	12/10/82	12/10/82	12/27/82
New York, S.	Romolo Imundi	12/10/82	12/10/82	1/6/83
New York, W.	Daniel B. Wright	12/10/82	12/10/82	1/10/83
North Carolina, E.	William I. Berryhill	12/9/81	12/10/81	12/30/81
North Carolina, M.	George L. McBane	2/8/82	2/9/82	3/26/82
North Carolina, W.	Max E. Wilson	9/15/82	9/15/82	9/22/82
North Dakota	Kenneth Muir	12/9/81	12/10/81	1/8/82
Northern Marianas	Edward M. Camacho	12/10/82	12/10/82	(Deceased 2/13/83)
Ohio, N.	Earl L. Rife	3/31/82	4/1/82	4/2/82
Ohio, S.	Robert W. Foster	10/21/81	10/26/81	10/28/81
Oklahoma, N.	Harry Connolly	12/3/81	12/5/81	12/28/81
Oklahoma, E.	Laurence C. Beard	10/29/81	10/29/81	11/16/81
Oklahoma, W.	Stuart E. Earnest	2/8/82	2/9/82	2/12/82
Oregon	Kernan Bagley	11/10/81	11/12/81	11/12/81
Pennsylvania, E.				
Pennsylvania, M.	Matthew Chabal	12/10/82	12/10/82	12/23/82
Pennsylvania, W.	Eugene V. Marzullo	7/27/82	7/28/82	8/16/82
Puerto Rico				
Rhode Island	Donald W. Wyatt	12/16/81	12/17/81	1/4/82
South Carolina	William C. Whitworth	6/18/82	6/21/82	7/23/82
South Dakota	Gene G. Abdallah	3/4/82	3/9/82	3/11/82

UNITED STATES MARSHALS APPOINTED BY PRESIDENT REAGAN

<u>DISTRICT</u>	<u>NAME</u>	<u>CONFIRMATION</u>	<u>APPOINTMENT</u>	<u>ENTRANCE ON DUTY</u>
Tennessee, E.	Bruce R. Montgomery	12/16/81	12/17/81	12/22/81
Tennessee, M.				
Tennessee, W.	John T. Callery	4/21/82	4/22/82	4/30/82
Texas, N.	Clint Peoples	8/18/82	8/18/82	9/17/82
Texas, S.	B.S. Baker	3/4/82	3/9/82	3/15/82
Texas, E.				
Texas, W.	William J. Jonas, Jr.	2/8/82	2/9/82	2/11/82
Utah	Eugene H. Davis	2/8/82	2/9/82	3/1/82
Vermont	Christian Hansen	3/16/82	3/17/82	4/26/82
Virgin Islands	Melvin E. Carter	(Attorney General Appointment)		5/30/82
Virginia, E.	Herbert M. Rutherford, III	9/15/82	9/15/82	10/1/82
Virginia, W.	Wayne D. Beaman	12/9/81	12/10/81	1/3/82
Washington, E.	Paul R. Nolan	12/3/81	12/5/81	12/17/81
Washington, W.	Eugene M. Corr	4/13/83	4/14/83	4/20/83
West. Va., N.				
West. Va., S.	James Hickman	4/27/82	4/28/82	5/3/82
Wisconsin, E.	Robert J. Keating	12/16/81	12/17/81	12/27/81
Wisconsin, W.	Frederick N. Falk	12/9/81	12/16/81	1/5/82
Wyoming	DeLaine Roberts	11/10/81	11/12/81	1/11/82

May 19, 1983
(Baker, Meese, Schmeltz, Rose,
Herrington, Cookney)

1. Curran / ED-WI - 48 hrs
2. SD / W.VA - Duberstein asks me to wait until after MX vote hold DOT to call Hallanan / R. Thurmond
3. Fifth Circuit - Green needs to be contacted. DOT says Davis is better qualified than originally stated. EM to call John Cade - to set stage for FFF call to them.
4. Morton Salane - expect results next week
5. Boyde - ABA to come back to us DOT asked for reevaluation
6. DC / DC - Stan Harris timing? continue hold Betty Murphy - DOT to look at -
7. Fourth Circuit - DOT to check Caldwell Butler
8. DC Circuit - radios? ~~where to go~~


9. Social Security Amendments
Need to ask Osh to move
FFF → Dubenstein
10. Bankruptcy Legislation
Passed Senate
DoJ to devise strategy for Rodino
bill. ~~Bring to WH only if absolutely~~
~~necessary~~. Bring to JAB
11. Claims Court - Hold until after
bankruptcy passed. Revisit in
2 weeks.
12. USA/Guam - John Herrington
to find a qual. candidate
David T. Wood - look at.
13. USM/ED/LA

THE WHITE HOUSE

WASHINGTON

May 16, 1983

MEMORANDUM FOR ATTORNEY GENERAL WILLIAM FRENCH SMITH
EDWIN MEESE III
DEPUTY ATTORNEY GENERAL EDWARD SCHMULTS
JAMES A. BAKER III
KENNETH M. DUBERSTEIN
JOHN S. HERRINGTON
EDWARD J. ROLLINS

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: May 19, 1983 Meeting of the President's
Federal Judicial Selection Committee

Attached are the agenda for the May 19, 1983 meeting of the President's Federal Judicial Selection Committee and a notebook containing a brief discussion of each of agenda item for that meeting.

The meeting will occur in the Roosevelt Room of the White House at 5 PM.

AGENDA

MAY 19, 1983
FEDERAL JUDICIAL SELECTION COMMITTEE

I. CANDIDATES FOR DISTRICT COURTS

- ✓ A. Eastern District of Wisconsin: Thomas J. Curran *48 hrs*

II. DISCUSSION OF "HOLDS"

- ✓ A. Southern District of West Virginia *hold*
✓ B. 5th Circuit

III. DISCUSSION OF SPECIAL PROBLEMS

- ✓ A. District Court of Nevada: Morton Galane
✓ B. U.S. District Court for the Middle District of Florida: John Booth
✓ C. District Court for the District of Columbia *hold*
✓ D. 4th Circuit: Ken Starr
and
D.C. Circuit
✓ E. Social Security Amendments
✓ F. Bankruptcy Legislation
✓ G. Claims Courts Nominations
H. U.S. Attorney for Guam
I. U.S. Marshal for Eastern District of Louisiana

IV. TARGETED VACANCIES

- A. California
B. D.C. Circuit

I.

CANDIDATE FOR U.S. DISTRICT COURT

Eastern District of Wisconsin -- Thomas J. Curran

The Department of Justice has recommended that we initiate the background investigations on Thomas J. Curran for appointment to fill the current vacancy on the U.S. District Court for the Eastern District of Wisconsin.

Curran, 59, is a graduate of the Marquette University Law School and has been engaged in a general practice of law in Mauston, Wisconsin for the past 35 years. His practice has primarily involved civil litigation, although he has done some criminal work. Curran is a past President of the Wisconsin State Bar (1972-1973) and a former City Attorney of Mauston, Wisconsin (1949-1972).

Senator Bob Kasten recommended Curran for this position; his recommendation is supported by the Wisconsin Congressional delegation and the Republican State Party Chairman and National Committeeman of Wisconsin. Senator Kasten used a Merit Selection Commission as a resource for recommendations; Curran was one of five "best qualified" candidates recommended to the Senator for this position by that Commission.

The Justice Department considered no other candidates for this position.

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WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

II.

DISCUSSION OF "HOLDS"

Southern District of West Virginia

The Department of Justice has recommended that the background investigation be initiated on Elizabeth V. Hallanan as a nominee to the United States District Court for the Southern District of West Virginia. Approval of that recommendation was held in abeyance until Duberstein had the opportunity to advise Senator Byrd that although his candidate was considered for this position another individual (Hallanan) had been selected for appointment.

Since being requested by the Justice Department to consent to consideration for appointment to this position, Ms. Hallanan has apparently received some pressure to move to the southern regions of the District if she is appointed. Hallanan is aware that of the candidates known to be interested in this position, she is the only one who has stated that she would not move to the Bluefield or Beckley (southern) areas of this District. In an apparent effort to avoid any negative reaction against the President if she is appointed and does not move to the southern region of this District, Hallanan has written the Justice Department requesting that her name be withdrawn from consideration for appointment to this position.

We are awaiting Duberstein's guidance on Senator Byrd's reaction to a nomination of Hallanan before any action is taken with respect to this matter.

LAW OFFICES

DODSON, DEUTSCH & HALLANAN

ELMER H. DODSON
STANLEY E. DEUTSCH
ELIZABETH V. HALLANAN
RAYMOND G. DODSON

May 6, 1983

SUITE 910 COMMERCE SQUARE
P. O. BOX 487
CHARLESTON, WEST VIRGINIA 25322
TELEPHONE (304) 342-6107

Mr. Trevor Potter
Department of Justice
Office of Legal Policy
Room 4244
9th and Constitutional
Washington, DC 20530

Dear Mr. Potter:

Your telephone call to me on April 12, 1983, requesting my consent to be considered for appointment to the existing vacancy on the District Court in the Southern District of West Virginia was indeed "out of the blue" as you stated in our conversation that day. To say the least, your call was highly complimentary and as you know, I subsequently gave the go ahead for my name to be placed in consideration.

The issue of the need for the new appointee to sit in the Bluefield and Beckley areas continues to receive much emphasis. In fact, those who have announced that they would like to be considered for the appointment preface their statements with the fact that they either now reside in the Bluefield or Beckley areas or would be willing to move to either area. I also believe that the other Judges in the District share a genuine concern in this regard due to the large backlog of cases on the docket in both areas.

It occurs to me, therefore, that if I should be the appointee, having said in advance that I am not willing to move to either area, that I would be starting out in an unfavorable atmosphere as it appears that I am the only one whose name is under consideration who is not willing to accommodate the southern section of the District by residing there. It is not my desire to continue to participate in any situation which might cause the decision of President Reagan, whatever it might be, to receive negative reaction when the same can be avoided by his appointment of an individual who is willing to reside in the areas where a full time sitting Judge appears to be very much needed at this particular time.

Mr. Trevor Potter
May 6, 1983
Page Two

Respectfully, therefore, I am requesting that my name be withdrawn from consideration for appointment to this most prestigious position. It is a highlight of my life to have been considered and your many kindnesses and courtesies to me will long be remembered.

Sincerely,

Elizabeth V. Hallanan

Elizabeth V. Hallanan

EVH:pa

DISCUSSION OF "HOLDS"

5th Circuit

The potential nomination of Eugene Davis was placed on hold at the request of Governor Treen. Treen advised that, in his opinion, Martin Feldman is a superior candidate to Davis and has the support of the Louisiana Congressional delegation (with the possible exception of Congressman Henson Moore). Treen stated that he would discuss Feldman's candidacy with Moore and report back to Fielding as soon as possible. If Feldman is selected for the 5th Circuit, Treen would not object to Marcel Livaudais for appointment to the current District Court vacancy in Louisiana.

III.

DISCUSSION OF SPECIAL PROBLEMS

U.S. District Court for the District of Nevada: Mort Galane

The nomination of Morton Galane to fill the current vacancy on the District Court in Nevada has been on "hold" pending the outcome of a malpractice trial in which Galane was a defendant and the results of an additional background investigation on Galane that was requested after information was received that cast doubt on Galane's judicial temperament. (See attached letter.)

Galane has consented to a settlement of the malpractice suit filed against him; his insurance company has paid \$90,000 in that settlement, but the settlement agreement specifically stipulated that this agreement was not an admission of guilt by Galane.

The additional background investigation on Galane has not been completed; the FBI advises that this investigation should be complete by next week.

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WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

ARCHIVAL QUALITY
Perma/Dur.

DISCUSSION OF SPECIAL PROBLEMS

Middle District of Florida

Background checks and a request for an ABA rating on John W. Booth for appointment to the U.S. District Court for the Middle District of Florida were initiated on January 14, 1983. The ABA has informally advised the Department of Justice that it has found Booth to be "unqualified" for appointment as a Federal District Court judge. The Department of Justice has requested the ABA to reconsider its rating of Booth.

DISCUSSION OF SPECIAL PROBLEMS

District Court for the District of Columbia

At our last meeting we had agreed that the current vacancy on the U.S. District Court for the District of Columbia would be filled by U.S. Attorney Stan Harris; the only question which remained for consideration was one of the timing of a Harris nomination.

DISCUSSION OF SPECIAL PROBLEMS

4th Circuit: Ken Starr

We are continuing to review Senator Warner's objections to the possible nomination of Ken Starr. He has advised that he will oppose Starr's nomination and that he would like to discuss his objections to Starr with the President but that he will not change his mind as a result of any meeting with the President on this matter.

D.C. Circuit

We have been advised that a vacancy on the U.S. Court of Appeals for the District of Columbia Circuit is about to occur. It is possible that we may wish to consider appointments to this Circuit Court vacancy in conjunction with the 4th Circuit.

DISCUSSION OF SPECIAL PROBLEMS

Effect of the Social Security Amendments on Senior Judges

Attached is a memorandum from the Department of Justice discussing the effect of the Social Security Amendments on senior judges.

The Social Security Act Amendments of 1983 provide that compensation received by senior judges while sitting on assigned cases qualifies as "wages" for social security purposes. The effect of this amendment is that senior judges who agree to sit on cases will be required to make payments into the Social Security Fund; in addition, to the extent their compensation while sitting on cases exceeds the applicable statutory limits, senior judges may lose social security benefits to which they otherwise would be entitled.

The Administrative Office of the United States Courts has proposed that the effective date of this provision of the Social Security Amendments be postponed for two years. This postponement would provide time for the Administrative Office to conduct a thorough study of the amendment's effects and provide Congress with more complete information in deciding whether to change it. To that end, the Administrative Office has submitted a draft bill and explanatory statement to Senator Dole for introduction in this Congress.

It should be noted, however, that the Administrative Office believes that its study will reveal that most senior judges will not consider it in their financial interest to continue to accept assignments. This could result in senior judges declining to accept additional assignments and thus could have the immediate effect of aggravating the existing overload of the Federal courts with the concomitant result of the need for creation of additional Federal judgeships.

Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM

May 10, 1983

TO: Fred F. Fielding
Counsel to the President

FROM: Jonathan C. Rose *JCR*
Assistant Attorney General

SUBJECT: Effect of the Social Security
Amendments on Senior Judges

Enclosed is a Justice Department review of the effect of the recent Social Security legislation on judges with senior status who accept assignments.

EFFECT OF THE SOCIAL SECURITY
AMENDMENTS ON SENIOR JUDGES

One effect of the Social Security Act amendments of 1983 was to bring federal judges into the social security system. Among other reforms, the amendments provide that compensation received by senior judges while sitting on assignment qualifies as "wages" for social security purposes. ^{1/} The effect of this change is that senior judges who agree to sit on cases will be required to make payments into the Social Security Fund; in addition, to the extent their compensation while sitting on cases exceeds the applicable statutory limits, senior judges may lose social security benefits to which they otherwise would be entitled. Since senior judges receive the full compensation of their offices -- regardless of whether or not they accept assignments -- the 1983 amendments, in a sense, require senior judges to pay to work.

For some senior judges it may still appear worthwhile to accept assignments, since payment into the Social Security Fund will ultimately increase social security benefits for themselves and their dependent survivors. For others, however, the potential long-range benefits may be insubstantial or may be outweighed by the immediate costs. Hence, the amendments may discourage many senior judges from continuing their service to the judiciary.

The Administrative Office of the United States Courts has proposed that the effective date of this re-definition of "wages" be postponed for two years. This would provide time for the Administrative Office to carry out a thorough study of the amendment's effects and provide Congress with more complete information in deciding whether to change it.

1. Judges' Retirement Benefits

Under 28 U.S.C. § 371(b) a judge may retire from regular active service but continue in office as a "senior judge." ^{2/} A senior judge receives the same salary as a judge on regular active service and may be assigned to perform "such judicial duties as he is willing and able to undertake." ^{3/} The services performed by senior judges are, in fact, quite substantial. In fiscal year 1982, for example, senior judges decided 8.6% of all civil cases and 5.5% of all criminal cases.

^{1/} See 129 Cong. Rec. H 1726 (daily ed. March 24, 1983).

^{2/} Under section 371(b), a judge is eligible to retire at age 70 if he has served ten years on the bench and to retire at age 65 if he has served for fifteen years.

^{3/} 28 U.S.C. § 294(b).

In addition to a full salary, a senior judge may have other sources of retirement income. While judges, as such, were not covered by the social security system prior to the recent amendments, many senior judges are eligible for social security benefits because of their work in the private sector before becoming judges. A senior judge who was in government service prior to appointment as a judge may be receiving a civil service pension.

2. Effect of the Amendment

Under the re-definition of "wages" in the social security amendments, a senior judge who accepted assignments would be required to make contributions to the Social Security Fund. 4/ He could also lose (between the ages of 65 and 70) social security benefits to which he otherwise would be entitled. 5/ This is not to say that some senior judges -- such as those whose previous contributions to the Social Security Fund are a few years' short of the minimum period required for receiving benefits -- could not benefit from accepting assignments for a time. 6/ However, it is clear that we cannot currently predict what the overall impact of the 1983 amendments will be.

The Administrative Office of the Courts is currently undertaking a review of the situations of the 236 senior judges to determine the actual effects of the change. While the Administrative Office's review has just begun, the Administrative Office believes at this point that most senior judges will not consider it in their financial interest to continue to accept assignments. The amendments may accordingly discourage most senior judges from accepting assignments and deprive the government of the "free"

4/ The required contribution is 7% of income up to an administratively established limit which rises from year to year and is currently set at \$35,000.

5/ A person between 65 and 70 loses \$1 of benefits for every \$2 earned above an administratively established threshold which is currently set at \$6,600.

There is also a possibility that counting senior judges' compensation on assignment as "wages" could result in its being counted as earned income for purposes of state and local taxes.

6/ A person must make contributions to the Fund for a minimum period -- usually ten years -- before becoming eligible for benefits. A senior judge who had contributed for nearly the required period while in private practice could well have an incentive to accept assignments and make additional contributions to the Fund until he became eligible for benefits.

services of senior judges whose value can reasonably be estimated at several million dollars a year. This would have the immediate effect of aggravating the overload of the federal courts and require the creation of additional judgeships.

* * *

Because of the significant, negative impact the 1983 amendments may have upon the federal judiciary, I would agree with proposals the Administrative Office has made to postpone the effective date of the re-definition of "wages" from December 31, 1983 to January 1, 1986. ^{7/} Given the scope of the study required, and the importance of this subject, this deferral does not seem unreasonable. The Administrative Office would presumably make its report to Congress early in 1984, and Congress would then have two years in which to act on it.

^{7/} The draft bill and explanatory statement of the Administrative Office are attached. The draft has recently been forwarded by the Administrative Office to Senator Dole.

A B I L L

To amend the Social Security Amendments of 1983 in order to defer the implementation of coverage of judges of the United States retired from regular active service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section 101(d) of the Social Security Amendments of 1983, Public Law No. 98- , Stat. , is amended to read as follows:

"(d) The amendments made by this section shall be effective with respect to remuneration paid after December 31, 1983, except that the amendments made by subsection (c) of this section shall take effect on January 1, 1986."

May 6, 1983

The bill will postpone for a two year period (from January 1, 1984 to January 1, 1986) the effective date of section 101(c) of the recently enacted Social Security Amendments of 1983 (Act of April 20, 1983, Pub.L. No. 98-21, 97 Stat. 70). Section 101(c) contains two provisions which may immediately cause a drastic reduction in the level of service provided to federal courts of appeals and district courts by retired judges, if the date upon which they are scheduled to become effective is not postponed.

The first of the two provisions amends section 209 of the Social Security Act (42 U.S.C. §409) to include within the Act's definition of "wages" retirement salary paid to justices and judges during -- and only during -- periods in which they perform judicial duties by designation and assignment under 28 U.S.C. §294. The second provision amends the Federal Insurance Contributions Act (26 U.S.C. §3121(i)) to include the same retirement salary payments as "wages" subject to FICA taxes during such periods. The two provisions together will apparently penalize any retired judge who agrees to perform judicial duties while in "senior status" retirement by literally taxing the judge for performing valuable -- but fully voluntary -- services for the courts. The two provisions will not impact upon any other individuals in the Judicial, Legislative or Executive Branches.

- For the past three decades judicial services provided by experienced senior judges who have retired from regular active service (under 28 U.S.C. §§371(b) or 372(a)), but nevertheless agreed to sit by assignment (under 28 U.S.C. §294), have constituted a valuable "manpower" resource -- one which has directly (1) enabled courts of appeals and district courts to manage responsibly ever-increasing workloads and (2) reduced the number of new judgeships requested of Congress by the Judicial Conference of the United States. Without those services, the judicial branch would have necessarily grown larger and incurred associated increases in sustaining appropriations. Although no precise dollar amount is ascertainable, services of senior judges --which are literally almost "free" services -- have provided a great avoidance savings reasonably estimated as equivalent to several million dollars annually.

Federal judges who are appointed to hold their office during good behavior under Article III (Section 1, Clause 2) of the Constitution, including Supreme Court Justices, are permitted by statute to retain their judicial offices but retire from "regular active service" upon meeting specific age and service criteria (28 U.S.C. §371(b)) -- attainment of age 65 after 15 years of service or attainment of age 70 after 10 years of service. In any instance in which a judge becomes disabled, that judge may

also retire from "regular active service" (28 U.S.C. §372(a)).

The statutory provisions which authorize such retirement provide that a retired judge shall continue to receive the salary of the office for life.¹

Those provisions were deliberately intended by Congress to encourage eligible judges who, due to illness or age, may no longer be capable of carrying a full share of a court's workload burden to relinquish the "active judicial status" to which they are constitutionally entitled for the duration of their lives. By design the provisions also expressly permit retention for life of many incidents of the judicial office, among them (1) authority to exercise the powers of their offices if their services are needed and (2) salary of office. Retired or "senior judges" judges who choose to provide services are therefore volunteers who work without compensation for working. In Moody v. Albemarle Paper Co., 417 U.S. 622, 627 (1974), the Supreme Court noted that: "Senior judges provide a judicial resource of extraordinary value by their willingness to undertake important assignments 'without economic incentive of any kind.'"

As of April 1, 1983, personnel records maintained by the Administrative Office of the United States Courts list one

¹A judge taking disability retirement under 28 U.S.C. §372(a) before completing ten years of service in office receives only one-half the salary of the office.

Associate Justice of the Supreme Court, 56 court of appeals judges, 177 district court judges, and two Court of International Trade judges in retired status. Many of those retired judges provide extensive "senior status" service. Tables accompanying this statement reveal the extent to which individual courts of appeals and district courts benefited from such services during the most recent "court management year" (July 1, 1981 - June 30, 1982). Senior judges terminated 8.6 percent of the civil cases and criminal cases involving 5.5 percent of criminal defendants. If that level of service is to remain available to the Judiciary, no economic disincentive should be permitted to deter individual judges in "senior status" from agreeing to accept assignments. If that level of service does not remain available, new resources (perhaps as many as fifty additional judgeships) will be required to avoid the development of large caseload backlogs.

By subjecting retirement salaries paid to senior status judges to FICA taxes when -- and only when -- those judges accept assignments to perform judicial work, provisions in section 101(c) of the Social Security Amendments of 1983 create an economic disincentive to service. By classifying those retirement salary payments as "wages" for purposes of the Social Security "earnings test," the provisions in section 101(c) effectively deny retired judges between age 65 and age 70 benefits to which they would be entitled but for their acceptance of judicial work assignments.

At this point the consequences of those two "disincentives service" are widely perceived by judges as more significant than any possible benefits to be derived from the accrual of periods of service under Social Security Act coverage. Because the inclusion of judges under Social Security is a completely new development, with which the judiciary's Administrative Office has never had any experience (judicial branch employees have not previously been participants in the program for periods of judicial branch employment), questions posed by many senior status judges now cannot be answered with confidence in the accuracy of the answer provided. The Administrative Office has responded to recent events by hiring, on April 29, 1983, Mr. Robert Myers, former Chief Actuary of the Social Security Administration and Staff Consultant to the President's Commission on Social Security Reform, as a consultant to advise judges and the Administrative Office. Mr. Myers, however, cannot realistically be expected -- before December 31, 1983 -- to complete the task of identifying the factual information needed to accurately advise 236 individual judges of the consequences to them personally of continuing to accept judicial assignments.

Several of those judges have already formally notified the Chief Justice of their intention to resign fully from the office by December 31, because they are unwilling to incur what they perceive to be the detrimental consequences of section 101(c) of the Social Security Act Amendments of 1983. Should a significant number of the 236 currently serving senior judges follow that

example, the consequential costs to the judicial system will be extensive. Inevitably Congress will be asked to authorize additional circuit and district court judicial positions to ensure that citizens will not face unavoidable delays in the administration of justice. The Judicial Conference of the United States has conscientiously refrained from requesting more judicial positions than absolutely essential for two decades. Requests have been higher than the Conference or the Congress wished -- but lower than they would have been had senior judge services not been routinely available.

Realistically, permitting the provisions in Section 101(c) to become effective without having carefully evaluated the economic consequences -- when many judges perceive their only option to be resignation -- could easily prove to be "penny wise and pound foolish." Congress should hold hearings and examine the validity of the approach embodied in Section 101(c). No careful examination of the specific provisions which are contained in that section was possible earlier this year. To await the results of the Administrative Office's efforts to ascertain relevant facts and identify predictable consequences to the system with some degree of exactitude, using Mr. Myers' assistance, makes sense. This bill will simply permit us to learn what we should know in order to responsibly fashion provisions applicable to judges which are reasonable and sensible -- and in the best interest of our judicial system as well as the Social Security program.

U.S. Courts of Appeals
Case Participations By Senior Judges
Year Ended June 30, 1982

<u>Circuit</u>	<u>Case Participations By Senior Judges*</u>	<u>Number of Resident Senior Judges</u>	<u>Number of Visiting Senior Judges</u>
D. C.	317	3	15
First	226	1	9
Second	960	6	11
Third	386	3	-
Fourth	239	3	1
Fifth	435	5	4
Sixth	709	5	5
Seventh	590	2	19
Eighth	447	3	14
Ninth	957	7	26
Tenth	187	3	5
Eleventh	358	6	10

*Includes case participations by resident senior judges and visiting senior judges.

U.S. District Courts
Services of Senior Judges
Year Ended June 30, 1982

<u>District</u>	<u>Number of Senior Judges</u>	<u>Trials</u>	<u>Total Hours</u>	<u>Non-Trial Hours</u>	<u>Civil Cases Terminated</u>	<u>Criminal Defendants Terminated</u>
Total		2,072	23,118.5	10,914.0	16,249	2,396
D.C.		53	408.5	382.5	535	99
Resident	8	53	408.5	382.5	535	99
Visiting	-	-	-	-	-	-
First Circuit						
Maine		10	83.0	3.5	-	-
Resident	-	-	-	-	-	-
Visiting	1	10	83.0	3.5	-	-
Massachusetts		16	164.5	111.5	53	-
Resident	2	5	65.5	102.0	41	-
Visiting	3	11	99.0	9.5	12	-
New Hampshire		7	107.5	17.5	2	-
Resident	-	-	-	-	-	-
Visiting	3	7	107.5	17.5	2	-
Rhode Island		-	-	5.0	-	-
Resident	1	-	-	5.0	-	-
Visiting	-	-	-	-	-	-
Puerto Rico		8	103.0	27.5	80	-
Resident	-	-	-	-	-	-
Visiting	1	8	103.0	27.5	80	-
Second Circuit						
Connecticut		46	497.0	265.5	353	30
Resident	2	46	497.0	265.5	353	30
Visiting	-	-	-	-	-	-
New York, Northern		20	385.0	56.0	248	30
Resident	2	19	309.0	47.5	248	30
Visiting	1	1	76.0	8.5	-	-
New York, Eastern		91	1,087.0	318.5	341	103
Resident	4	87	1,050.0	308.0	341	103
Visiting	1	4	37.0	10.5	-	-
New York, Southern		86	1,531.0	445.0	408	65
Resident	9	82	1,518.0	445.0	407	65
Visiting	2	4	13.0	-	1	-
New York, Western		-	-	-	37	24
Resident	1	-	-	-	37	24
Visiting	-	-	-	-	-	-
Vermont		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
Third Circuit						
Delaware		15	359.0	141.0	152	2
Resident	3	15	359.0	141.0	152	2
Visiting	-	-	-	-	-	-

U.S. District Courts
Services of Senior Judges
Year Ended June 30, 1982
(continued)

<u>District</u>	<u>Number of Senior Judges</u>	<u>Trials</u>	<u>Total Hours</u>	<u>Non-Trial Hours</u>	<u>Civil Cases Terminated</u>	<u>Criminal Defendants Terminated</u>
Third Circuit (cont.)						
<u>New Jersey</u>		60	674.5	304.0	507	39
Resident	4	60	674.5	304.0	507	39
Visiting	-	-	-	-	-	-
<u>Pennsylvania, Eastern</u>		6	132.0	49.0	31	1
Resident	1	6	132.0	49.0	31	1
Visiting	-	-	-	-	-	-
<u>Pennsylvania, Middle</u>		13	518.5	32.0	108	45
Resident	1	13	518.5	32.0	108	45
Visiting	-	-	-	-	-	-
<u>Pennsylvania, Western</u>		24	532.0	294.5	396	14
Resident	4	24	532.0	294.5	396	14
Visiting	-	-	-	-	-	-
<u>Virgin Islands</u>		-	-	-	1	-
Resident	-	-	-	-	-	-
Visiting	1	-	-	-	1	-
Fourth Circuit						
<u>Maryland</u>		24	366.5	261.5	266	86
Resident	3	24	366.5	261.5	266	86
Visiting	-	-	-	-	-	-
<u>North Carolina, Eastern</u>		5	73.0	61.0	131	40
Resident	1	1	3.0	55.5	124	40
Visiting	1	4	70.0	5.5	7	-
<u>North Carolina, Middle</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>North Carolina, Western</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>South Carolina</u>		25	229.0	130.0	205	23
Resident	2	21	211.5	107.5	199	23
Visiting	6	4	17.5	22.5	6	-
<u>Virginia, Eastern</u>		91	475.0	345.5	477	87
Resident	3	91	475.0	345.5	477	87
Visiting	-	-	-	-	-	-
<u>Virginia, Western</u>		4	15.0	25.0	320	-
Resident	3	4	15.0	25.0	320	-
Visiting	-	-	-	-	-	-
<u>West Virginia, Northern</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>West Virginia, Southern</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-

U.S. District Courts
Services of Senior Judges
Year Ended June 30, 1982
(continued)

<u>District</u>	<u>Number of Senior Judges</u>	<u>Trials</u>	<u>Total Hours</u>	<u>Non-Trial Hours</u>	<u>Civil Cases Terminated</u>	<u>Criminal Defendants Terminated</u>
Fifth Circuit						
<u>Louisiana, Eastern</u>		41	423.0	239.5	339	16
Resident	2	30	224.0	202.0	326	16
Visiting	3	11	199.0	37.5	13	-
<u>Louisiana, Middle</u>		5	20.0	-	5	-
Resident	1	5	20.0	-	5	-
Visiting	-	-	-	-	-	-
<u>Louisiana, Western</u>		37	385.0	237.0	220	1
Resident	3	37	385.0	237.0	220	-
Visiting	1	-	-	-	-	1
<u>Mississippi, Northern</u>		-	-	-	26	1
Resident	1	-	-	-	25	1
Visiting	1	-	-	-	1	-
<u>Mississippi, Southern</u>		2	25.0	-	-	-
Resident	-	-	-	-	-	-
Visiting	1	2	25.0	-	-	-
<u>Texas, Northern</u>		64	145.0	177.5	215	196
Resident	3	63	132.0	177.5	215	195
Visiting	1	1	13.0	-	-	1
<u>Texas, Eastern</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>Texas, Southern</u>		14	186.0	14.5	99	14
Resident	2	9	125.5	12.0	97	14
Visiting	1	5	60.5	2.5	2	-
<u>Texas, Western</u>		31	190.0	83.5	149	21
Resident	3	27	170.0	70.0	136	21
Visiting	1	4	20.0	13.5	13	-
Sixth Circuit						
<u>Kentucky, Eastern</u>		1	10.0	11.0	1	7
Resident	-	-	-	-	-	-
Visiting	1	1	10.0	11.0	1	7
<u>Kentucky, Western</u>		18	138.0	50.0	176	28
Resident	1	18	138.0	50.0	176	28
Visiting	-	-	-	-	-	-
<u>Michigan, Eastern</u>		52	995.0	688.0	345	31
Resident	2	52	995.0	688.0	345	31
Visiting	-	-	-	-	-	-
<u>Michigan, Western</u>		6	32.5	76.0	180	-
Resident	1	6	32.5	76.0	178	-
Visiting	2	-	-	-	2	-
<u>Ohio, Northern</u>		37	918.5	386.5	581	34
Resident	3	37	918.5	386.5	581	34
Visiting	-	-	-	-	-	-

U.S. District Courts
Services of Senior Judges
Year Ended June 30, 1982
(continued)

<u>District</u>	<u>Number of Senior Judges</u>	<u>Trials</u>	<u>Total Hours</u>	<u>Non-Trial Hours</u>	<u>Civil Cases Terminated</u>	<u>Criminal Defendants Terminated</u>
Sixth Circuit (cont.)						
<u>Ohio, Southern</u>		23	163.5	88.5	235	39
Resident	4	23	163.5	88.5	235	39
Visiting	-	-	-	-	-	-
<u>Tennessee, Eastern</u>		4	104.5	6.0	-	-
Resident	-	-	-	-	-	-
Visiting	1	4	104.5	6.0	-	-
<u>Tennessee, Middle</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>Tennessee, Western</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
Seventh Circuit						
<u>Illinois, Northern</u>		164	1,878.5	998.0	1,270	38
Resident	8	162	1,797.0	995.0	1,270	38
Visiting	1	2	81.5	3.0	-	-
<u>Illinois, Central</u>		2	28.5	3.5	9	3
Resident	1	1	3.0	3.5	8	3
Visiting	2	1	25.5	-	1	-
<u>Illinois, Southern</u>		4	36	6	7	1
Resident	1	4	36	6	5	-
Visiting	1	-	-	-	2	1
<u>Indiana, Northern</u>		2	5.5	10.0	4	7
Resident	1	2	5.5	10.0	4	7
Visiting	-	-	-	-	-	-
<u>Indiana, Southern</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>Wisconsin, Eastern</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>Wisconsin, Western</u>		13	253.0	82.5	130	20
Resident	1	13	253.0	74.5	125	20
Visiting	1	-	-	8.0	5	-
Eighth Circuit						
<u>Arkansas, Eastern</u>		16	223.0	19.5	38	-
Resident	1	16	223.0	19.5	38	-
Visiting	-	-	-	-	-	-
<u>Arkansas, Western</u>		28	397.5	54.0	425	44
Resident	2	28	397.5	51.0	425	44
Visiting	1	-	-	3.0	-	-

U.S. District Courts
Services of Senior Judges
Year Ended June 30, 1982
(continued)

<u>District</u>	<u>Number of Senior Judges</u>	<u>Trials</u>	<u>Total Hours</u>	<u>Non-Trial Hours</u>	<u>Civil Cases Terminated</u>	<u>Criminal Defendants Terminated</u>
Eighth Circuit (cont.)						
<u>Iowa, Northern</u>		1	19.5	1.5	1	1
Resident	1	1	19.5	1.5	1	1
Visiting	-	-	-	-	-	-
<u>Iowa, Southern</u>		2	36.0	6.0	3	2
Resident	1	-	-	-	-	-
Visiting	-	2	36.0	6.0	3	2
<u>Minnesota</u>		23	654.0	266.5	544	45
Resident	2	23	654.0	266.5	543	45
Visiting	1	-	-	-	1	-
<u>Missouri, Eastern</u>		96	597.5	300.5	492	49
Resident	3	96	597.5	300.5	492	49
Visiting	-	-	-	-	-	-
<u>Missouri, Western</u>		61	451.0	187.0	704	340
Resident	4	61	451.0	187.0	704	340
Visiting	-	-	-	-	-	-
<u>Nebraska</u>		40	207.5	185.0	32	4
Resident	2	40	207.5	185.0	31	4
Visiting	1	-	-	-	1	-
<u>North Dakota</u>		-	-	2.5	1	-
Resident	1	-	-	2.5	-	-
Visiting	1	-	-	-	1	-
<u>South Dakota</u>		22	191.5	68.0	134	19
Resident	1	22	191.5	68.0	134	19
Visiting	-	-	-	-	-	-
Ninth Circuit						
<u>Alaska</u>		1	36.5	1.0	3	-
Resident	-	-	-	-	-	-
Visiting	2	1	36.5	1.0	3	-
<u>Arizona</u>		22	307.5	120.5	216	130
Resident	2	16	240.5	99.5	209	129
Visiting	2	6	67.0	21.0	7	1
<u>California, Northern</u>		19	324.5	282.5	161	15
Resident	2	19	324.5	282.5	157	15
Visiting	2	-	-	-	4	-
<u>California, Eastern</u>		31	382.5	347.0	182	169
Resident	3	31	382.5	347.0	181	169
Visiting	1	-	-	-	1	-
<u>California, Central</u>		91	1,492.0	634.0	763	100
Resident	6	90	66.5	628.5	758	100
Visiting	4	1	1,425.5	5.5	5	-
<u>California, Southern</u>		2	41.0	10.5	37	4
Resident	1	1	36.0	10.5	37	4
Visiting	1	1	5.0	-	-	-

U.S. District Courts
Services of Senior Judges
Year Ended June 30, 1982
(continued)

<u>District</u>	<u>Number of Senior Judges</u>	<u>Trials</u>	<u>Total Hours</u>	<u>Non-Trial Hours</u>	<u>Civil Cases Terminated</u>	<u>Criminal Defendants Terminated</u>
Ninth Circuit (cont.)						
<u>Hawaii</u>		8	114.5	242.5	114	6
Resident	1	8	114.5	239.0	112	6
Visiting	2	-	-	3.5	2	-
<u>Idaho</u>		42	330.5	119.5	262	53
Resident	2	42	330.5	119.5	262	53
Visiting	-	-	-	-	-	-
<u>Montana</u>		48	253.5	82.0	241	25
Resident	3	48	253.5	82.0	241	25
Visiting	-	-	-	-	-	-
<u>Nevada</u>		21	213.5	65.5	164	-
Resident	1	20	207.5	63.5	163	-
Visiting	2	1	6.0	2.0	1	-
<u>Oregon</u>		2	3.0	33.0	22	3
Resident	1	2	3.0	29.5	22	2
Visiting	2	-	-	3.5	-	1
<u>Washington, Eastern</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>Washington, Western</u>		3	7.0	64.5	168	-
Resident	3	3	7.0	53.0	167	-
Visiting	1	-	-	11.5	1	-
<u>Guam</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>Northern Mariana Islands</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
Tenth Circuit						
<u>Colorado</u>		38	399.5	124.0	152	5
Resident	3	38	399.5	124.0	152	5
Visiting	-	-	-	-	-	-
<u>Kansas</u>		27	210.5	87.5	440	22
Resident	3	27	210.5	87.5	440	22
Visiting	-	-	-	-	-	-
<u>New Mexico</u>		47	147.5	44.0	371	2
Resident	1	46	146.5	44.0	369	2
Visiting	3	1	1.0	-	2	-
<u>Oklahoma, Northern</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>Oklahoma, Eastern</u>		1	11.5	2.0	5	1
Resident	2	1	11.5	2.0	4	1
Visiting	1	-	-	-	1	-

U.S. District Courts
Services of Senior Judges
Year Ended June 30, 1982
(continued)

<u>District</u>	<u>Number of Senior Judges</u>	<u>Trials</u>	<u>Total Hours</u>	<u>Non-Trial Hours</u>	<u>Civil Cases Terminated</u>	<u>Criminal Defendants Terminated</u>
Tenth Circuit (cont.)						
<u>Oklahoma, Western</u>		33	241.0	73.0	63	22
Resident	3	33	241.0	72.5	63	22
Visiting	1	-	-	.5	-	-
<u>Utah</u>		5	85.5	80.0	67	-
Resident	1	5	85.5	80.0	61	-
Visiting	1	-	-	-	6	-
<u>Wyoming</u>		33	203.0	101.0	214	34
Resident	1	33	203.0	101.0	214	34
Visiting	-	-	-	-	-	-
Eleventh Circuit						
<u>Alabama, Northern</u>		50	465.5	375.0	616	64
Resident	3	50	465.5	375.0	616	64
Visiting	-	-	-	-	-	-
<u>Alabama, Middle</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-
<u>Alabama, Southern</u>		31	279.5	142.0	338	-
Resident	2	31	279.5	142.0	338	-
Visiting	-	-	-	-	-	-
<u>Florida, Northern</u>		31	312.0	123.0	154	33
Resident	1	23	178.5	115.5	154	27
Visiting	2	8	133.5	7.5	-	6
<u>Florida, Middle</u>		57	635.0	214.0	290	56
Resident	2	26	253.0	192.5	281	45
Visiting	7	31	382.0	21.5	9	11
<u>Florida, Southern</u>		14	206.5	14.0	6	2
Resident	2	-	-	-	6	2
Visiting	2	14	206.5	14.0	-	-
<u>Georgia, Northern</u>		1	29.5	7.5	39	-
Resident	2	1	29.5	7.5	39	-
Visiting	-	-	-	-	-	-
<u>Georgia, Middle</u>		-	-	-	1	1
Resident	1	-	-	-	1	-
Visiting	1	-	-	-	-	1
<u>Georgia, Southern</u>		-	-	-	-	-
Resident	-	-	-	-	-	-
Visiting	-	-	-	-	-	-

DISCUSSION OF SPECIAL PROBLEMS

Bankruptcy Legislation

The Thurmond-Heflin bill, which was supported by the Administration and would create 85 new Article III judgeships as well as 229 Article I Bankruptcy judgeships has been passed by the Senate. The Rodino bill, which is an Article III response to the Northern Pipeline decision, has yet to be considered in the House. The Rodino bill is pending before the House Rules Committee and Rodino is apparently pressing for floor consideration of his bill; the House leadership, however, seemingly does not wish to pass legislation that would enable the President to appoint additional Federal judges.

This legislation must be enacted no later than this summer if we wish for the President's nominees to these judicial vacancies to be confirmed in this Congress.

G

DISCUSSION OF SPECIAL PROBLEMS

Claims Court Nominations

In the last session of Congress, the President nominated three sitting judges of the old Court of Claims (Yock, Merow, and Colaianni) for reappointment to full 15 year terms on the new Claims Court. Those nominations were not acted upon by the Senate because Senator Dole (in conjunction with Congressman Kastenmeier) objected that the "premature appointments" of these judges (whose terms will not expire until after 1984) violated the spirit of the Federal Courts Improvement Act of 1982.

To date, the nominations of Yock, Merow and Colaianni have not been resubmitted to the Senate. The Justice Department had advised against raising this issue with Senator Dole again until after the bankruptcy courts legislation had been passed by the Congress. Apparently, however, Senator Dole has advised ~~that~~ the Department of Justice that his objections to these nominations have softened.

Justice should report on the status of nominations to the Claims Court.

H

DISCUSSION OF SPECIAL PROBLEMS

U.S. Attorney for Guam

The Department of Justice has expressed concerns about moving forward with the appointment of Jack Avery as the next U.S. Attorney for Guam. Avery was recommended for this position by the former Governor of Guam, Paul Calvo. Justice further advises that there are no other known candidates for appointment to this position.