



FEDERAL CIRCUIT HISTORICAL SOCIETY

NEWSLETTER

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The Federal Circuit Historical Society is a not-for-profit organization founded in 1999. It is dedicated to the preservation and dissemination of the history of the United States Court of Appeals for the Federal Circuit and its predecessor courts.



Chief Judge Glenn L. Archer, Jr. served as the third Chief Judge of the Federal Circuit. He was appointed to the court by President Ronald Reagan in 1985.

Federal Circuit 25th Anniversary

The Society helped organize and co-sponsored the celebration of the 25th anniversary celebration of the founding of the United States Court of Appeals for the Federal Circuit, pursuant to the Federal Courts Improvement Act of 1982, which was signed by President Ronald Reagan in a Rose Garden ceremony on April 2, 1982.

On Monday afternoon, April 2, 2007, the court held an en banc session, which was attended by all of the active

Federal Circuit judges and several of the senior judges. Over 300 people attended. There were several speakers at the en banc session, including the Honorable Fred Fielding, counsel to the President (and counsel to President Reagan in 1982), representing the White House; Professor Daniel Meador of the University of Virginia, representing the Department of Justice, for which he drafted the legislation that became the Federal Courts Improvement Act; and Senior Judge Friedman, representing the Federal Circuit and its predecessor, the United States Court of Claims, of which he was Chief Judge. Chief Judge Michel presided, and gave some brief remarks.



Professor Dan Meador and White House Counsel Fred Fielding prior to their remarks to the en banc session of the Court of Appeals for the Federal Circuit, April 2, 2007.

After the *en banc* session, there was a reception in the Tayloe/Dolley Madison houses complex of the Federal Circuit building, co sponsored by the Society, the Federal Circuit Bar Association, the American Intellectual Property Law Association, Intellectual Property Owners, and the American Bar Association, Intellectual Property Law Section.

Written History Project

The Society has retained Dr. Steven Flanders, author of several judicial histories, and former Circuit Executive for the United States Court of Appeals for the Second Circuit, to write a book length history of the Federal Circuit. Dr. Flanders will cover the period from the inception of the Federal Circuit through the tenure of its first Chief Judge, Howard T. Markey 1982-1990. The book will also provide historical context by comparing the experience of the Federal Circuit to that of other national courts, most

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notably the now-defunct United States Commerce Court. This project is being supported in part by various law firms interested in the work of the Society.

We have received a written outline for the book and a sample chapter from Dr. Flanders. We hope to have the final manuscript by May, 2008, and to publish the book shortly thereafter. David Kane serves as contract coordinator with Dr. Flanders on behalf of the Society.

Photographic Archives Project

The Society has completed its electronic database and catalogue of over 1000 historical photographs of the judges and personnel of the court, persons associated with the court, important historical events at the court, and buildings and physical objects associated with the court. The principal source of these historical photographs is a collection recently donated to the Society by the family of the late Judge Giles S. Rich, who besides being an avid photographer, was a giant figure in patent law, and an author of the current patent statute in 1952.



A view of the north side of Lafayette Square taken by Judge Rich from his office in the National Courts Building.

The first release of 22 photographs is available on the Society's website (www.federalcircuithistoricalsociety.org/photoarchive.htm). Once the legal issues concerning publications of all of these photographs are resolved, the Society expects to publish all of the photographs, along with their captions and explanations, on the Society's web site.

The Photographic Archives Project, as well as the oral histories Project, have been supported by grants from the

Fairleigh Dickinson, Jr. Foundation, which has been very generous in its support of the Society.

Oral Histories Project

The Society recently completed an oral history of Judge Markey. The Society is currently planning oral histories for Judge Pauline Newman, Professor Dan Meador, Judge Oscar Davis, Congressman Robert Kastenmeier, and Mike Remington.

The Society has now collected oral histories for at least nine judges and several other individuals who were important figures in the history of the court. The oral histories include Judges Giles Rich, Wilson Cowen, Byron Skelton, Marion Bennett, Howard Markey, Daniel Friedman, Edward Smith, Glenn Archer, and S. Jay Plager, as well as George Hutchinson, Clarence Kipps, and Donald Dunner. In the case of judges who are deceased or incapacitated, some of the oral histories are interviews of former law clerks and other colleagues of the judges.

Ric Henschel of Foley & Lardner in Washington, DC. coordinates the oral history interviews.

New Federal Circuit Historical Society Annual Journal

The Society will begin publishing an annual journal this year. It will contain substantive articles about the history of the court and its judges. The content may include information from the oral histories and some of the photographs we have collected. Herb Mintz and David Cohen are chairing the effort to get the new publication off the ground.

The first issue will be dedicated to Chief Judge Markey and the role he played in establishing the court. We hope to have it published before October, 2007.

Annual Meeting

The Society held its 2006 annual meeting and luncheon on June 29, 2006, in Albuquerque, New Mexico. The meeting was attended by approximately 100 people. The meeting included a historical presentation by Steve Flanders on "Historic Courthouses."

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The Society's 2007 annual meeting will be a luncheon buffet on Thursday, June 28, 2007, at the Federal Circuit Bar Association's Bench and Bar Conference in Cambridge, Maryland. Herb Mintz and Joe Re will present a talk on "The Wit and Wisdom of Howard T. Markey."

Proposed Change to By-Laws

The board of trustees will consider changing the by-laws of the Society to add up to three additional seats on the board. The change in the by-laws will be discussed and voted on at the next board meeting on June 27, 2007.

Annual Dinner

The Society celebrated its fourth annual dinner at the historic Dolley Madison House, now part of the Federal Circuit's facilities, on the evening of October 21, 2006. The program included a presentation on the photographic archives project by George Hutchinson.



George Hutchinson explains the Federal Circuit Historical Society Photographic archives project prior to the Society's Annual Dinner.

The next Annual Dinner is tentatively scheduled for Friday, April 11, 2008 at the Dolley Madison House.

Society Committees

The Society has the following committees. If you are interested in serving on any of these committees, please contact Philip Swain, Foley Hoag LLP, 155 Seaport Boulevard, Boston, MA 02210, Tel: (617)832-1150; Fax (617) 832-7000; e-mail pswain@foleyhoag.com.

- (1) Oral Histories
- (2) Written History
- (3) Photographic Archives
- (4) History of the Court of Customs and Patent Appeals
- (5) History of the Court of Federal Claims
- (6) History of the Court of Appeals for Veterans' Claims
- (7) History of the Merit Systems Protection Board
- (8) History of the Court of International Trade
- (9) Conferences and Educational Programs
- (10) Publications (newsletter, journal, and web site)
- (11) Membership
- (12) Annual Dinner

Membership

We now have more than 70 members, and we are about to embark on a major membership drive. The membership drive is being headed by Charles Schill.

If you know anyone who is interested, please encourage them to join. Dues are \$25.00 per year. An application form is available on our website.

Website

Please visit our website at:

www.federalcircuithistoricalsociety.org

The Society's website includes basic information about the Society, an application to become a member, and links to Society publications.

Articles and notices wanted

If you have articles or notices for the newsletter, or are interested in helping out as editor of this newsletter, please e-mail the Society.