



THE  
*Federal Circuit*  
HISTORICAL SOCIETY

# NEWSLETTER

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The Federal Circuit Historical Society is a not-for-profit organization founded in 1999. The Society seeks to increase the awareness of the public, policy makers, academics, litigants, and members of the court community by focusing on the long, colorful, and rich history and traditions of the United States Court of Appeals for the Federal Circuit and its predecessor courts, the U.S. Court of Claims and the U.S. Court of Customs and Patent Appeals, including people and events and the history of the Madison Place/Lafayette Square area in Washington, D.C. in which the Federal Circuit is located.

### **Update on the U.S. Court of Appeals for the Federal Circuit**

Although a visit to the website [www.cafc.uscourts.gov](http://www.cafc.uscourts.gov) would yield more detailed information about recent activities at the Federal Circuit, highlighted below are some personnel developments at the court. After almost twenty years on the court, Judge William C. Bryson assumed senior status in January 2013. A true career civil servant, Judge Bryson's experience before joining the bench included service as a law clerk to both Judge Friendly of the Second Circuit and Justice Thurgood Marshall. He also spent seventeen years at the Department of Justice (including two stints as Acting Solicitor General).

Richard G. Taranto received his commission as a Federal Circuit Judge on March 12, 2013, replacing Paul R. Michel who retired in 2010. Upon graduation from Yale Law School, Judge Taranto clerked for Judge Abraham Sofaer of the United States District Court for the Southern District of New York, Judge Robert Bork of the United States Court of Appeals for the District of Columbia, and Justice Sandra Day O'Connor of the United States Supreme Court. He served as an assistant to the Solicitor General and was in private practice with the firm of Farr & Taranto. He has argued nineteen cases before the United States Supreme Court.

On February 7, 2013, President Barack Obama nominated two government attorneys, Raymond T. Chen and Todd M. Hughes, to Federal Circuit judgeships. Mr. Chen is the deputy general counsel for intellectual property law and solicitor for the U.S. Patent and Trademark Office. He would replace Richard Linn, who took senior status in October of 2012. Mr. Hughes is the deputy director of the Department of Justice's commercial litigation branch for the civil division. He would replace William Bryson.

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Circuit Executive and Clerk of Court Jan Horbaly has announced his retirement. Mr. Horbaly served as Clerk of Court since 1996 and became the Circuit Executive when that position was established in 1997. Before joining the court, Mr. Horbaly was in private practice in Washington, DC. He specialized in Supreme Court practice, federal court litigation, and military law. He then became executive director of the Coal Commission at the Department of Labor, and served as Special Assistant to the Chief Justice of the United States. After service on active duty as a captain in the U.S. Army, Mr. Horbaly entered the U.S. Army Reserve in 1976 and retired as a colonel in 2000. For his service, he has been awarded the Legion of Merit and the Bronze Star.

## **The Federal Circuit Historical Society Lecture Series**

In 2009, the Society began a series of lectures at the historic Dolley Madison House. These lectures center on individuals and events which have been part of the history of the Federal Circuit and the area surrounding Lafayette Square. A wide range of interesting topics have been the subjects of the Society lectures. The eighth and most recent lecture was delivered by James D. Ridgway on October 17, 2012. An expert in the area of veterans law, Mr. Ridgway spoke on “Caring for Those Who Have Borne the Battle,” a history of veterans benefits since the Revolutionary War. The 2012 Journal of the Society includes the lecture on page 73. The Lecture Series Committee is led by Griff Price of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP.

## **Photographic Archives Project**

A continuing project of the Society is the photographic archives, which began in 2004 when the family of Judge Rich gave the Society about 1,000 photographs that the judge had taken during his many years of service. The Society has produced an electronic database and catalog of these photographs. The photographs depict the judges and personnel of the Federal Circuit and its predecessor courts, persons associated with these courts, and important historical events that involved both the courts and the surrounding historic buildings on Lafayette Square in Washington.

## **Oral Histories Project**

Among other projects undertaken by the Society is the recording of oral histories, so as to preserve the history of the court in the actual words of those who have been a part of the story. Over the past several years, both audio and video interviews have been conducted for at least ten 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, Helen Nies, 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. Joe Re of Knobbe Martens is coordinating the oral histories. The oral histories project, as well as the photographic archives project, have been supported by grants from the Fairleigh S. Dickinson Jr. Foundation (“Foundation”).

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## Written History Project

Another project that the Society recently completed is the written history of the Federal Circuit and its predecessor courts. The history traces the period from the 1950's and continues through the tenure of Chief Judge Markey, which ended in 1990. The book is titled "The Federal Circuit – A Judicial Innovation." The author, Dr. Steven Flanders, has written several judicial histories and served both in the Federal Judicial Center and as the Circuit Executive for the United States Court of Appeals for the Second Circuit. Copies of the book can be purchased on the Society's website (see below).

### The History of Madison Place

In May 2012, the Society published "The History of Madison Place, Lafayette Square, Washington, D.C." by George E. Hutchinson. The project was underwritten by the Foundation, whose grants over the last ten years have enabled the Society to complete many of its valuable projects. The work is an impressive coffee-table book which can be obtained through the Society's website (see below). The Society is seeking people interested in working on a publication committee to develop and execute a plan to help circulate this book; please let us know if you are inclined to help.

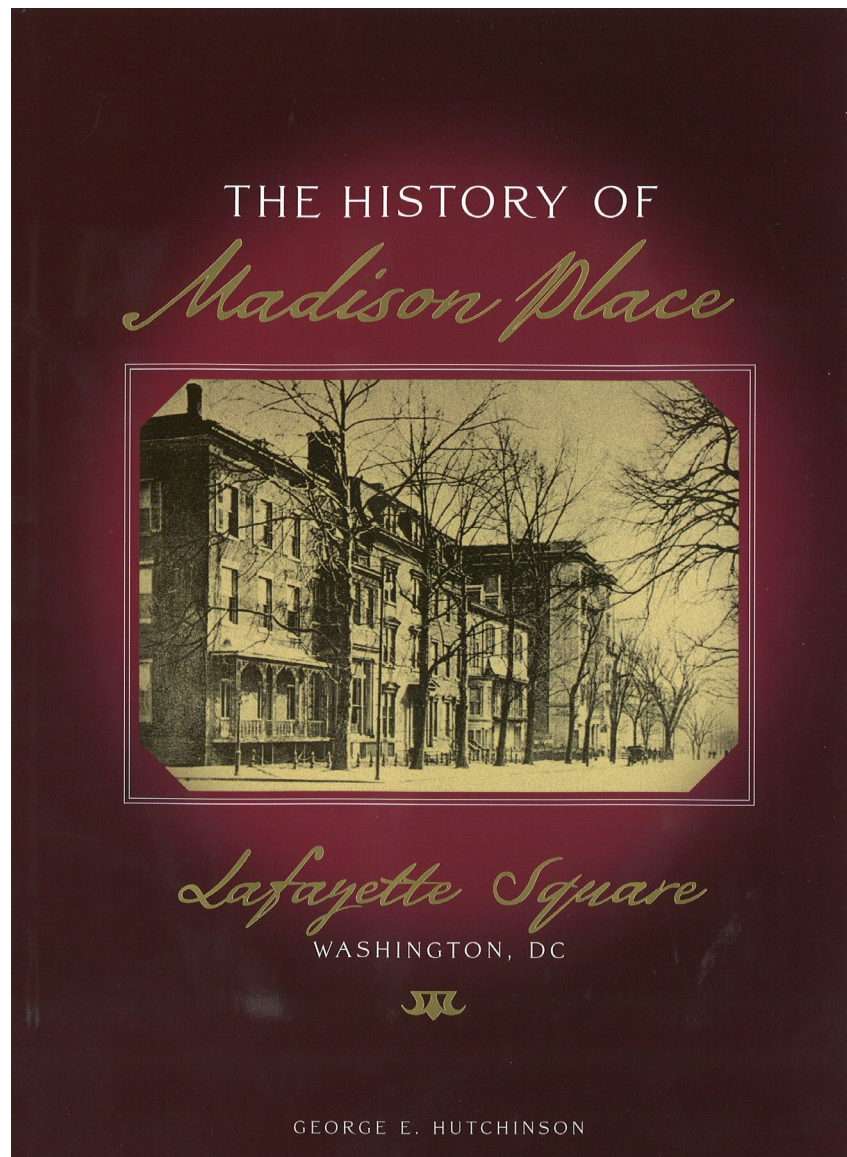




Photo of Seward on the back porch of the Rodgers house with two of his bird cages in the background.

## **Footnote to History: Seward's Parrot ("Polly Want A Folly?") or "The Diplomatic Parrot of Lafayette Square"**

Source: Grace Greenwood  
(Sara Jane Clarke Lippincott):  
Heads and Tails: Studies and  
Stories of Pets. New York,  
1875.

When William Seward served as Secretary of State in the Lincoln and Johnson Administrations, he and his family resided in the Rodgers house on Madison Place during most of his tenure. The Rodgers house was located on the site where the entrance to the court building now stands. Interestingly, in addition to the many family members that

occupied this large, thirty-room house, there were some of Seward's favorite pets: parrots and beautiful parakeets. Seward's particular favorite of these birds was a stately old parrot of green and scarlet whose cage hung in the library which was just off the entrance hallway on the first floor. From this position the parrot could observe the many comings and goings of friends, visitors, and government officials. The parrot was recognized for echoing master Seward's voice during political discussions and particularly for his laugh which was considered to be the most startlingly human sound imaginable.

It was reported that during the summer when the window near his cage was kept open, the sounds of a crying baby from the next house were repeated by the bird so perfectly that people would think that the baby had actually been brought into Seward's house. When Senator Sumner of Massachusetts, a neighbor across Lafayette Square on Vermont Avenue, got into a heated political discussion with Seward, the bird got so excited that it actually screamed his master down with all kinds of noises and catcalls. The voice of the Senator was particularly disturbing which resulted in the bird whistling at certain points and coughing in the midst of a Latin quotation. While sitting on his perch, he would talk quite knowledgeably about subjects such as amnesty, reconstruction, "Alabama" claims, and Alaska. When newspaper reporters came to the house, Seward, fearful that the bird was full of state secrets,

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would remove him lest he divulge hints of pending diplomatic matters.

Interestingly, the parrot had a female companion nearby and they enjoyed each other's company. When children would visit the Swards, they would find Mr. Parrot laughing, coughing, crying and asking about everyone's health while Mme. Parrot would listen, eat whatever was offered, and informed everyone that she was "Pretty Polly." When the children would sing a verse of "Comin' Through the Rye," both parrots would give them their complete attention and then reproduce the song with unbelievable accuracy. It was said that Mme. Parrot was the better with the voice having many human tones.

Seward's favorite Mr. Parrot had a wonderful memory and when a certain lady, a friend of the family, would come to the house during the early part of the Civil War the "Song of John Brown" would be heard. When the lady arrived, the parrot would note her presence and immediately sing out "Glory, glory, hallelujah" as an expression of his delight at seeing her. Years would pass before she would come again, but once she entered the library he would shout out the same greeting.

The lady must have been a frequent visitor to Seward's house. She reflected that, on one visit, the bird sat for several minutes quiet and motionless. She wondered if the bird would remember her when the master of the house was brought in critically injured after falling from his carriage. Or, perhaps, the bird was thinking about the many calls that would be made by the doctors and friends, including the President, to see the injured Secretary. And then there was that fateful night when this house and the people in it became part of the tragic story taking place in the city and one wondered if he slept as usual. But despite all of the horror surrounding these events, the bird always remained jolly and happy until it was time for Seward to retire from his post as Secretary of State and with his family leave this historic house on Lafayette Square. Presumably, Mr. and Mme. Parrot with the other birds returned with the Swards to their home in Auburn, New York.

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## They Said It

“The patent system added the fuel of interest to the fire of genius.” A. Lincoln, “Second Lecture on Discoveries and Inventions” given in Jacksonville, Illinois on February 11, 1859, in *The Collected Works of Abraham Lincoln* (Roy P. Basler ed., Rutgers U. Press 1953). On May 22, 1849, Abraham Lincoln received Patent No. 6,469 for a device to lift boats over shoals. The invention was never manufactured. Lincoln is the only U.S. president, however, to hold a patent. A scale model of his invention is on display at the Smithsonian Institution in Washington, D.C.

## Updated Federal Circuit History Book

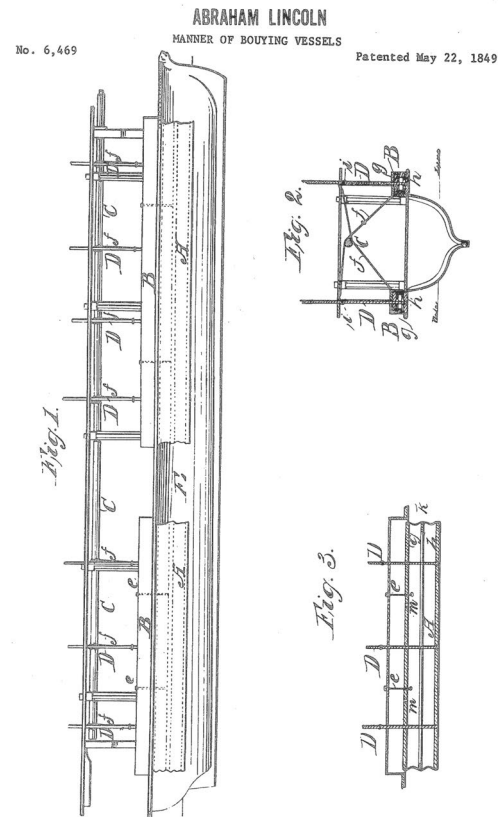
Most readers know that the Federal Circuit has published two prior books summarizing its history. Having a red cover, the first book covered the years 1982-1990. Having a blue cover, the second book covered the years 1990-2002. The court will be publishing a new ten-year history of the Federal Circuit covering the period 2002-

2012. The Society has taken an active role supporting the publication of the third history. Work is well underway, follows the format of the earlier two histories, and has a target publication date in 2013.

## Sixth Issue of the Federal Circuit Historical Society Journal

Members and subscribers should have received their copy of the 2012 issue of the Annual Journal of the Society. The co-editors, Herb Mintz, George Hutchinson, Pat McDermott, David Cohen, and Allen Sokal, hope that readers will find the issue representative of the quality of the products and programs we seek for the Society. The issue features a biography of the late Federal Circuit Chief Judge Glenn L. Archer, Jr. Also included are articles telling the stories of the claim of the Brig *General Armstrong* and of the burning of Washington during the War of 1812; providing an overview, accounting, and examination of federal Indian claims; and exploring veterans’ benefits since the Revolution.

We now are planning the 2013 and 2014 issues. Please let one of the co-editors know if you have an idea for an article for the Journal or for a possible author, or if you wish to contribute an article yourself. They would welcome your contribution, and are confident you would find it an interesting and rewarding activity.



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## Upcoming Annual Meeting in June

The Society will hold its 2013 annual meeting on Tuesday, June 11th in Washington, DC. Keep an eye open for further specific information.

## Luncheon Meeting Next June

The Society will hold its traditional luncheon meeting during the Federal Circuit Bench and Bar Conference at the Broadmoor in Colorado Springs on Thursday, June 20, 2013. The meeting will include a presentation by Federal Circuit Judge Richard Linn on the topic of “The American Inns of Court – A Short History.”

## Annual Dinner & Reception

The Society will soon celebrate its tenth annual dinner and reception. The date is the evening of Friday, October 11, 2013. Please save the date, and look for further information.

## Committees of the Society

The Society has the following committees. If you are interested in serving on any of these committees, please contact Kevin Casey, Stradley Ronon Stevens & Young LLP, 30 Valley Stream Parkway, Malvern, PA 19355, Tel: (610) 640-5813; Fax (610) 640-1965; email [kcasey@stradley.com](mailto:kcasey@stradley.com).

- (1) Oral Histories (Chair Joseph R. Re)
- (2) Written History
- (3) Photographic Archives
- (4) Journal (Chair Herbert H. Mintz)
- (5) History of the Court of Customs and Patent Appeals
- (6) History of the Court of Federal Claims
- (7) History of the Court of Appeals for Veterans' Claims
- (8) History of the Merit Systems Protection Board
- (9) History of the Court of International Trade
- (10) Lecture Series (Chair Griffith B. Price Jr.)
- (11) Publications (newsletter and website)
- (12) Membership
- (13) Annual Dinner (Chair Janet A. Pioli)
- (14) Nominations (Chair David M. Cohen)
- (15) Programs (Chair Stephen L. Peterson)