

THE SHORT CIRCUIT

A QUARTERLY PUBLICATION BY AND FOR THE PEOPLE OF THE 1ST CIRCUIT

Summer 2003



Photo by Kate Philbrick

Drug technician Alberto Garcia demonstrates the use of a hand-held drug-sensitive testing device as Claire E. Cooper, right, chief U.S. probation officer for Maine, and Julie P. Morse, supervising probation officer, look on.

Testing/treating for substance abuse twin goals for Maine probation office

By BARBARA RABINOVITZ

PORTLAND, Maine – The primary colors – red, green and blue, to name a few – are for men; the pastels – pink, peach and the like – are for women. But far from being some sort of fashion statement, these colors have a much more somber purpose. They comprise the color-code system by which federal probation and pretrial clients are identified for purposes of urinalysis testing at the Office of the U.S. Probation Officer here.

With a twofold mission of testing and treating federal offenders for substance abuse, Chief U.S.

Probation Officer Claire E. Cooper juggles both those responsibilities with assistance from Julie P. Morse, supervising U.S. probation officer, drug technician Alberto Garcia and other staff members in Portland and in Bangor, the two Maine cities in which the U.S. District Court has a presence.

"Most of our clients are not just recreational users, but habitual users of drugs," Cooper told The Short Circuit in a recent interview in which she outlined the challenges of her agency's mission.

The people participating in the testing program fall into two cate-

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Federal Public Defender office opens in R.I., making it the fourth for region

PROVIDENCE, R.I. – With the opening earlier this year of an Office of the Federal Public Defender in this state's capital city, Rhode Island has joined the 1st Circuit districts of Massachusetts, New Hampshire and Puerto Rico in offering court-appointed representation to indigent defendants.

Two local attorneys, Edward C. Roy and Olin W. Thompson, are staffing the office as assistant federal public defenders to Owen S. Walker, who also oversees the FPD operations in Massachusetts and New

Hampshire from his Boston-based office. The Puerto Rico office is supervised by federal public defender Joseph C. Laws Jr. from San Juan. Walker and Laws serve in four-year terms at the discretion of the 1st U.S. Circuit Court of Appeals.

The establishment of the Rhode Island office could be traced to Chief U.S. District Judge Ernest C. Torres' interest in such an operation, Roy and Thompson told The Short Circuit. "Judge Torres, when he became chief [in December 1999], made it one of his

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New appellate judgeship sought for circuit; Congress mulls request

BOSTON – Citing a 34 percent increase in the caseload of the federal appellate courts since the ranks of their members were last expanded in 1990, the Judicial Conference is asking Congress to create nine permanent appellate judgeships, including a new one for the 1st Circuit.

The Judicial Conference, the major policy-making body for the federal court system, also is seeking two temporary seats for the appellate courts as well as 46 new judgeships at the district level (29 permanent and 17 temporary). Thirty-four district judgeships have been created since 1990 – a period in which the trial courts' caseload increased by 33 percent. None of the five districts in the 1st Circuit is included in the Judicial Conference's latest request for more trial judges.

Deputy Circuit Executive Susan Krueger told The Short Circuit that the Judicial Conference vote (taken at the semi-annual meeting of the conference in Washington, D.C., in March) was based on the findings of a judgeship survey conducted by the conference's Committee on Judicial Resources. The results of the biennial survey are derived from information provided to the committee by each circuit's Judicial Council.

According to Krueger, the

Judicial Council's review of this circuit's Court of Appeals caseload for the two-year period from Oct. 1, 2000, to Sept. 30, 2002, showed that the volume of filings increased by 15 percent.

Beyond caseload statistics, other factors unique to the 1st Circuit contributed to the recommendation for a new judgeship for the Boston-based Court of Appeals, Krueger said.

No new federal appellate judgeships have been authorized for this circuit since 1984. Two COA judgeships were created that summer, expanding the bench from four to six seats. Judge Juan R. Torruella of Puerto Rico and Judge Bruce M. Selya of Rhode Island were subsequently appointed to those new positions. With six active judges, the court is by far the smallest among the 12 circuits. The next largest are the 7th and 8th circuits in the Midwest, with 11 authorized COA judgeships in each.

Krueger also pointed out that this circuit's Court of Appeals "has had a pretty extensive program of visiting and senior judges over the past several years, suggesting the need for an additional judgeship. ...

"That factor was taken into account by the Committee on

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Father and sons



Photo by Robert P. Souther

A portrait of Judge Bailey Aldrich, who was memorialized in an April 8 ceremony at the federal courthouse in Boston, has the attention of his sons, Jonathan, left, and David. See story, Page 4.

Exerting leadership, e-filing launch among early tasks for new USDC chief

PORTLAND, Maine – As a federal district judge, George Z. Singal has frequent occasion to preside over naturalization ceremonies – a judicial responsibility that carries a special significance for him because he, like the new Americans to whom he administers the oath of citizenship, is a naturalized citizen of this country.

Fifty-four years after he arrived on these shores, Singal's immigrant history is still a vivid memory, as

was apparent during a recent interview in which he recounted his family's journey from his birthplace in Florence, Italy, to his adopted home city of Bangor, Maine. And it is a history that continues to inform the work of this judge, now embarked on a seven-year term as chief of the U.S. District Court for Maine.

"My background, the background of my family has to affect everything I do," Singal told *The Short Circuit*. "Every judge is affected by his or her background – for good or ill." In his case, he explained, "my background clearly makes me sensitive to issues of injustice, to issues of protecting our rights under our Constitution. ... One of the things that led to the events in Europe 60 years ago was a breakdown in law. That's one of the strengths we have in this country – a working system of justice."

Singal's beginnings as a refugee date back to World War II when his parents and their young daughter fled into the woods of Poland after the Germans invaded that country and began rounding up its Jews for transport to Nazi death camps. To avoid that fate, the family joined a band of Polish partisans resisting the German invasion and managed to survive in the wilderness until the Allies liberated Poland in late 1944.

"One has to be prepared to respond to multiple requests for direction during the course of the week."

*Judge George Z. Singal
Chief judge
U.S. District Court for Maine*

But those years in hiding had taken their toll on Singal's father, who died in Poland just three months before the birth of his son.

Widowed and with her daughter in tow, Maika Singal traveled south into

Hungary and then crossed west into northern Italy and Florence where George Singal was born in October 1945.

With relatives beckoning from Bangor, in November 1949 Singal's mother gathered up her two young children and set out for America. "We came past the Statue of Liberty on a boat," George Singal, now 57, remembers of that voyage.

He has been living in Maine ever since, first attending the Bangor public schools and then the University of Maine. After he graduated from Harvard Law School, he returned to Bangor and began practicing law in

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A youngster registers his approval of the educational program led by Mari Carmen Rios, right, outreach coordinator for the Office of the U.S. Pretrial Services in Puerto Rico.

Puppetry and PowerPoint helping pretrial staff to send vital message

By HECTOR R. TORRES QUINONES

HATO REY, Puerto Rico – Since 1996, the staff members of the Office of the U.S. Pretrial Services for the District of Puerto Rico have been providing presentations to school children in and around San Juan that focus on preventing a criminal lifestyle, making decisions effectively and embracing positive values.

The presentations have taken a dynamic format, thanks to the development of a role-playing exercise depicting an initial appearance in federal court. There is a simple script that allows students to assume the roles of the defense counsel, assistant U.S. attorney, deputy U.S. marshal and even the defendant. The staff member from our office portrays the U.S. magistrate judge.

After each presentation, our team (usually consisting of two persons) guides the students in a reflection of what they have seen, using anonymous references to real-life stories the team has gathered during its many years of work with pretrial defendants in Puerto Rico.

The format has varied somewhat, depending on the age of the audience members. We have used PowerPoint presentations for older audiences (college or graduate-level students); a funny-looking puppet named Tita draws the attention of much younger groups.

From 1996-1998, more than 600 students were targeted in this educational outreach effort. We have since joined the Office of the U.S. Attorney and teams from other federal law enforcement agencies in Puerto Rico in participating in the U.S. Depart-

ment of Justice initiative called "Weed and Seed." DOJ identifies schools in high-risk communities and coordinates the activities for a particular school.

Our staff members have found that age is no obstacle in getting the message across, since the information is adapted to the age level of each audience.

"Because I have read that simply telling kids that you may go to jail if you deal with drugs and firearms is no longer the most effective way to dissuade them not to do it, our approach has changed a bit," Mari Carmen Rios, coordinator of the outreach programs, said. "We are now emphasizing the importance of family values and subjects such as self-esteem, respect for yourself and for others, personal safety issues, choosing healthy role models, and peer pressure.

"We begin by telling the children about what we do for a living, supervising persons who have made bad decisions, and how we help them during the judicial process," Rios said. "We continue telling them that they have the power to make the correct choices regarding their futures and encourage them to continue in school."

As pretrial services officers, we believe that engaging in these extra-curricular activities not only makes our presence known in the community, but enriches and adds to the work we perform daily. Moreover, we firmly believe that we are exerting a positive influence on our children and the wider community.

Hector R. Torres Quinones is chief U.S. pretrial services officer for the District of Puerto Rico.

Judicial portraiture

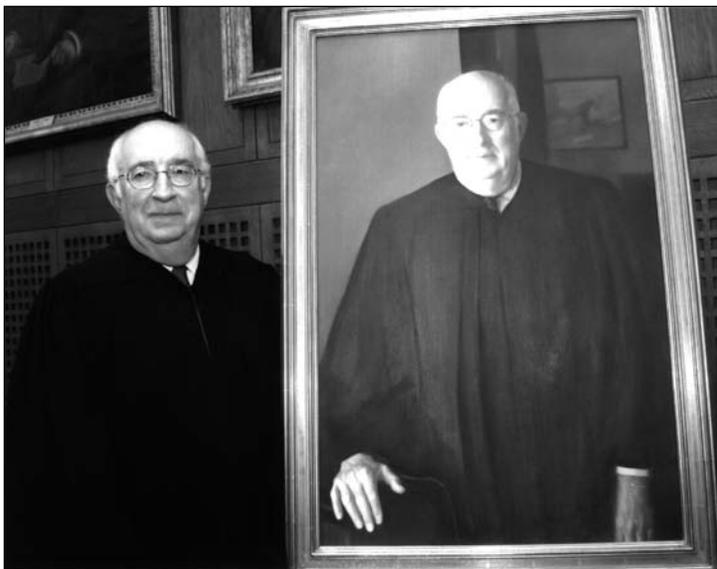


Photo by Robert P. Souther

Senior Judge Norman H. Stahl, of the 1st U.S. Circuit Court of Appeals, was honored at a May 2 presentation of his portrait, now on display in the federal courthouse in Boston.

Testing/treatment for substance abuse priorities for probation office

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gories, as Cooper explained it: Defendants, or pretrial clients, are those who are on pretrial release, charged with an offense and pending trial in U.S. District Court. Offenders, or post-conviction clients, have been convicted and sentenced and are serving a period of probation or are on supervised release following imprisonment.

Defendants may be required to participate in urinalysis as a condition of bail, while their cases are pending, and post-conviction clients generally are required to submit to testing as a condition of supervision. The gender breakdown of those in the testing program is typically 80 percent male and 20 percent female, Cooper said.

Under the color-code system, urinalysis testing is scheduled on a random basis. Each evening (except Saturday), pretrial and post-conviction supervision clients taking part in the testing must call a toll-free number; a recorded message will indicate whether his or her color code is the one whose bearer must report the next day to a lab in the probation office in Portland or in Bangor to submit to a test. Women with the color-code pink, for example, are required to report for the test four times a month; the exact days and times are made known to those women only when they make those nightly toll-free calls.

"Clients are assigned to various levels of testing per month, within the color-code system, based on several factors," Cooper said, citing "his-

tory of drug use, the nature of the offense and any previous urine samples testing positive for illicit drugs. All of these factors, and more, weigh heavily in this assignment."

The actual testing is drug technician Garcia's responsibility. The substances he tests for, using a simple hand-held drug-sensitive "test card," range from amphetamines to narcotic painkillers.

"We are now seeing abuse of the drug Oxycontin [a prescription-only pain-relief drug] quite often," Garcia said, adding that urinalysis also reveals the use of marijuana, heroin, cocaine, LSD and other illegal substances.

To test for abuse of alcohol, Garcia makes use of a Breathalyzer machine that has been installed in the Portland lab.

According to District of Maine statistics compiled by Cooper, of the 4,762 urine samples taken during 2002, and through drug rehabilitation centers under private contracts with her office, 381 clients were tested and 99 of them, or 26 percent, tested positive. In 2001, the comparable statistics were 3,553 tests on 321 clients, with 90, or 28 percent of them, testing positive.

As for treatment, "we offer counseling with our probation officers and inpatient and outpatient drug rehabilitation services," Cooper said. Inpatient treatment is provided at Gosnold, a facility in Falmouth, Mass., where clients can stay from two weeks to three months. A typical two-week stay costs approximately \$2,000. Outpatient counseling

is available at treatment centers in Maine.

The office also encourages clients to take advantage of services available free of charge, such as the Alcoholics Anonymous and Narcotics Anonymous meetings held in various communities of the state.

"When our office is unable to keep a client drug- and/or alcohol-free through urinalysis testing and treatment services," Cooper said, "numerous options or immediate sanctions may be utilized, such as halfway house placement, the addition of new conditions of supervision or the referral of the case to court for revocation of supervision."

In her role as chief probation officer, Cooper strongly believes that, in most cases, treatment services can improve a client's quality of life through understanding of the disease, but she acknowledges the difficult task of rehabilitating drug users.

"We will never be able to stop addiction, but members of the probation staff are becoming more sophisticated and knowledgeable about treatment options and how to deal with people with addiction problems," she said.

"We'll never give up on our clients," she added determinedly, "because not only are we trying to help them to be productive members of society but we are providing benefits to that society at large in terms of safety, health and cost."

Barbara Rabinovitz is editor of The Short Circuit.

Judicial Conference requests new COA judgeship for 1st Circuit

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Judicial Resources in making its determination that the court should qualify for a new judgeship," she said.

As much as the numbers, the types of appeals figured into the Judicial Conference's vote to ask Congress for more appellate judges nationwide, according to the Administrative Office of the U.S. Courts, the central support agency for the federal judiciary.

"A 75 percent increase in administrative appeals [in fiscal 2002] and a 3 percent increase in criminal appeals," says a March 18 news release by the AO, "were enough to offset a 34 percent decline in original proceedings, a 12 percent drop in bankruptcy appeals and a 2 percent decline in civil appeals."

The AO's release goes on to state that the jump in administrative agency appeals "was in part the result

of Attorney General John Ashcroft's February 2002 order to the Board of Immigration Appeals to clear its backlog of cases."

On the criminal side, filings were up for the third consecutive year, according to the AO, with the largest

increases registered in firearms cases (9 percent) and drug-related appeals (4 percent).

The AO attributes the dip in civil appeals to "a less than 1 percent drop in prisoner petitions and a 3 percent decline in other civil appeals. These

drops offset a 2 percent rise in civil rights appeals."

In the 1st Circuit, where multi-defendant criminal cases and complex civil cases frequently make their way to the Court of Appeals, that mix of cases decided by the court was

seen by the Committee on Judicial Resources as yet another reason to press for a new judgeship, Krueger said.

As for the progress of the Judicial Conference's judgeship package, Krueger reports that Sen. Orrin Hatch, R-Utah, chairman of the Senate Judiciary Committee, on April 11 introduced a bill titled the Federal Judgeship Act of 2003. The bill reflects the request of the Judicial Conference for the additional appellate and district Article III judgeships and the conversion of temporary positions into permanent seats. As of press time, the bill was pending in committee.

FPD office is up and running in Rhode Island

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priorities," Roy said.

Prior to the opening of the FPD office, indigent defendants arraigned or indicted before a magistrate judge or district judge here were assigned counsel from a Criminal Justice Act panel of attorneys, consisting of approximately 40 private practitioners providing representation at congressionally mandated rates of compensation.

"The bulk of the cases come to our office now," with the exception of multi-defendant cases with varying defense strategies that necessitate the appointment of CJA attorneys, Roy said.

Working out of an office suite in the financial district of downtown Providence, he and Thompson had logged 37 felony cases into their files just two months after the office opened on March 10. "Most of them involve guns and/or drugs," Thompson said, "and then the next category is immigration offenses."

Roy, 45, who has been living in Rhode Island since he was 2, came to his new post after 20 years in a private trial practice that focused on criminal law. When he saw the advertisement for the job, he seized on what he saw as "a chance to work with

Owen Walker's office, which has a reputation nationally for high-quality work."

Roy said the opportunity to work in federal court was another motivation. "It's more challenging because of its complexity," he said of the court.

Thompson, a New Jersey native who "grew up up and down the East Coast" until his family settled in Rhode Island when he was in his early teens, said he moved back to the Ocean State after law school "because I liked it best of all the places we had lived in."

He, too, was a private practitioner – first with David L. Martin, now a U.S. magistrate judge in Rhode Island, and then with David N. Cicilline, recently elected mayor of Providence – before he joined the state public defender's office in 1998.

Neither of these assistant FPDs is unaware of the challenges of this newest phase of their careers.

Cognizant of the desperation and isolation of the defendants whom he is now assigned to represent, Thompson said, "It takes an extraordinarily compassionate person. ...

"And as hard as we fight, given the harshness of the sentencing guidelines, it's often going to be impossible for us to get justice for our clients."

A JUDGE REMEMBERED

BOSTON – Family, friends, colleagues and law clerks of Judge Bailey Aldrich filled the En Banc Courtroom of the federal courthouse in Boston on April 8 to honor the late judge not only for his 40-year career as a member of the 1st U.S. Circuit Court of Appeals but for the exemplary life he led off the bench.

Judge Aldrich, who was born in Boston on April 23, 1907, and died in Cambridge on Sept. 25, 2002, was very much a product of the institutions, academic and otherwise, for which those two cities are famous, it was noted at the memorial tribute. "Bailey was a Yankee personified," said his friend and fellow Court of Appeals judge, Levin H. Campbell.

Educated at Harvard University and its law school, Bailey Aldrich practiced law at the Boston firm of Choate, Hall & Stewart until he was appointed, in 1954, to the U.S. District Court for Massachusetts and then elevated, in 1959, to the Court of Appeals. He retired from the bench in 1999.

Supreme Court Justice Stephen G. Breyer, who served on the appellate court with Judge Aldrich,

recalled his former colleague as "a civilized man, a great judge and a thoroughly decent human being."

It was that man, "civilized" and "decent," who emerged from the personal reminiscence that his son, Jonathan Aldrich, offered to the hushed gathering in the courtroom. His most evocative comments came in the form of a poem he wrote, which refers to his father's love of the sea and sailing "and which he may or may not have realized" was largely inspired by him," the son said. "I'd like to read it here."

The Father

Let me take you by the hand, old gentleman.

There may be a few stories we haven't told each other, and the hour is late now.

Both of us are growing old, and you are a good deal older than I am.

There is no other way to the shore than by the trees.

It is better than you think to be blind.

Teller of tales, of beautiful long stories, where are you going and how?

Something is still asking us to find my soul again. We have so much to say.

Quieter, quieter here. It is a land of waters. Let me take you by the hand.

Chief Judge Michael Boudin, of the Court of Appeals, ended the special session of court by also speaking of the personal qualities that endeared Bailey Aldrich to those who knew him. He did so by taking note of a portrait of the tall, slender judge that graced a corner of the courtroom alongside the bench.

Boudin credited the painter, Gardner Cox, "a good friend of Bailey's," for having "captured in that picture the sparkle, which is probably inexpressible except through art, of intelligence and of self-possession and elan that so distinguished Bailey."

"Somehow Cox has also captured that lean elegance that led Peter Gomes [minister at Harvard's Memorial Church], observing Bailey in the company of shorter, squarer judges ... to describe Bailey as an elm among the boxwoods."

To quiet laughter from the gathering, Boudin said, "What more is there to say?"



Photos by Robert P. Souther
Chief Judge Michael Boudin, left, and Judge Kermit V. Lipetz, second left, of the 1st U.S. Circuit Court of Appeals greet David Aldrich and Jonathan Aldrich, far right, sons of the late Court of Appeals Judge Bailey Aldrich, at a reception following an April 8 memorial tribute for their father at the federal courthouse in Boston.



Boston attorney Kenneth Cohen, left, a former law clerk to Judge Aldrich, U.S. District Judge Rya W. Zobel of Massachusetts and Court of Appeals Senior Judge Frank M. Coffin



U.S. District Judge Nathaniel M. Gorton of Massachusetts, left, with his colleague, U.S. District Judge Nancy Gertner, and Supreme Court Justice Stephen G. Breyer



Court of Appeals Senior Judge Levin H. Campbell, left, COA Judge Bruce M. Selya, center, and Warren M. Little of Cambridge, Mass., a cousin of Judge Aldrich

A COURTHOUSE REDEDICATED

PROVIDENCE, R.I. – Ninety-five years after it opened as a stately example of the Beaux Arts style of architecture, the newly refurbished federal courthouse in this capital city was rededicated in an April 25 ceremony that reflected much of the majesty and dignity of the building itself.

As an early-afternoon sun streamed into the ceremonial courtroom, a four-member honor guard kicked off the rededication with a crisp march into the well of the high-ceilinged courtroom for the presentation of colors. And so began a ceremony filled with fond memories of the old courthouse and much praise for the \$22 million renovation that has brought new luster to the building's wood-paneled courtrooms, marbled halls and limestone facade.

Presiding over the hour-long ceremony, Chief U.S. District Judge Ernest C. Torres recalled that advocates of the reconstruction project had traveled "a long road ... with bumps along the way" since a plan to demolish the old courthouse and replace it with a new one was first discussed in

1983. Then-U.S. District Judge Bruce M. Selya, now a member of the 1st U.S. Circuit Court of Appeals, and his USDC colleagues opposed demolition and favored restoration of the building.

Supporting the latter position, Rhode Island's U.S. Sen. John H. Chafee, an influential member of Congress and an ardent preservationist until his death in October 1999, proved to be instrumental in bringing about congressional approval of a renovation plan, which, Torres said, "accomplished the result you see today."

Providence native Selya spoke proudly of the "magnificent restoration" of the courthouse and of the building's prominence, at the edge of a recently revived downtown, as "a cornerstone of what has made Providence a renaissance city."

Of the late Senator Chafee, the judge said, "I imagine that somewhere from his heavenly perch [he] is smiling down on this celebration, delighted with what we have done here."

Of the building in which he began his career, as a law clerk, in 1958, Selya said, "I hope it

will continue to symbolize the fair administration of justice in this district for many years to come."

Rhode Island's incumbent U.S. senators, Jack Reed and Lincoln D. Chafee, son of John Chafee, also were among the speakers addressing the 200 guests assembled in the courtroom. Chafee, the last to speak, traced the history of the federal government's \$1.3 million investment in the construction of the original courthouse, U.S. Post Office and Customs House in the early 1900s.

"As Rhode Island at the time boasted the second highest per capita concentration of wealth in the country, it was felt that a grand federal building on this site would reflect appropriately on the city's achievements," Chafee said.

A century later, "as we gather today in the halls of justice meticulously maintained, we can take heart that the rule of law in the country and this city is alive and thriving," the senator said. "Justice continues to maintain us."



Photos by Robert P. Souther

Several federal judges, other public officials and private citizens were among those attending the rededication of the federal courthouse in Providence, R.I., including Chief U.S. District Judge Ernest C. Torres of Rhode Island, left, and Boston architect Maurice Finegold, whose firm of Finegold, Alexander & Associates was commissioned by the General Services Administration to develop the renovation design.



U.S. District Senior Judge Ronald R. Lagueux of Rhode Island, left, and Stephen A. Perry, GSA administrator



U.S. Magistrate Judge Jacob Hagopian, left, and U.S. District Judge William E. Smith, both of Rhode Island



Margaret Curran, U.S. attorney for Rhode Island, and U.S. Sen. Lincoln D. Chafee, R-R.I.

* The *Riding Circuit* news briefs that usually appear on this page will return with the Fall 2003 issue of *The Short Circuit*.

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Chief Judge Singal tackles the tasks of leading USDC in Maine

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1970. He went on to become a name partner in the law firm of Gross, Minsky, Mogul & Singal – doing "all types of litigation, everything from traffic tickets to murder cases," he said – until his August 2000 appointment to the federal bench. He was named to fill the seat held by U.S. District Judge Morton A. Brody, who died in March of that year.

In January of this year, Judge D. Brock Hornby stepped down as chief of the court and handed the reins to Singal. In the six months since, Singal has been commuting between Bangor and the court's Portland headquarters. For one-half of the week, he handles the Bangor division's caseload, and on the other days he is in Portland attending to the job of chief judge. He expects to begin working (and residing) full-time in Portland this summer, now that Maine attorney John A. Woodcock, nominated to succeed Senior U.S. District Judge Gene Carter, has been confirmed by the U.S. Senate.

At the top of Singal's agenda as chief judge is the implementation of electronic case filing in the district by the end of this year. "Our task is to put it [ECF] in a form that is user-friendly to the bar and the public, as well as to the judiciary," he said.

As for the speed with which cases are processed after they are filed, Singal offered this view of case management: "What we have here is a judge-to-caseload factor that permits early and

often judicial involvement in the caseload. A magistrate judge can deal with the lawyers early, can handle their discovery disputes, can give them a fairly specific trial date and prepare the case for trial fairly comprehensively. And the [trial] judges here are flexible enough that we are able to hold to the trial dates."

Asked about his other responsibilities as chief, beyond case management and oversight of the implementation of electronic filing, Singal acknowledged that he "had heard about the extracurricular duties of a chief judge, but I'd never fully appreciated them." Among the more demanding requirements of the job, he has discovered, is the exercise of leadership. "One has to be prepared to respond to multiple requests for direction during the course of the week," he said.

Still, Singal seems to be adapting to his new administrative role while carrying on with the duties of an active district judge, including one of his favorites – the naturalization ceremony. The mere mention of that assignment prompts Singal to open the top drawer of his desk and pull out his certificate of citizenship, which he received after his own swearing-in as a U.S. citizen in Bangor in 1956.

"When I'm conducting a naturalization ceremony, I like to hold it up for everyone to see," he said, doing just that with the certificate. "It speaks volumes about the opportunities of this country,



Judge George Z. Singal, right, accepts a gavel from Judge D. Brock Hornby, his predecessor as chief of the U.S. District Court.

and it sends a message to the new citizens. They look at their children and say, 'Maybe. ... Who knows?'"

Personal 'conversations' enliven bench-bar history in district

This is another in an occasional series, "Oral History in the Making," reporting on tape-recorded recollections by longtime members of the judiciary in the 1st Circuit.

PORTLAND, Maine – Six months before his death in March 2000, U.S. District Judge Morton A. Brody sat down by a piano in the living room of his Waterville home and, with a video camera and audio-tape cassette rolling, spent 90 minutes reminiscing about his life.

Striking a relaxed pose, the lanky judge is heard telling an off-camera interviewer (Daniel Wathen, former chief justice of the Maine Supreme Judicial Court) about his days as a youthful disc jockey at a central Maine radio station, his "encyclopedic memory" for athletic statistics, his early career as a solo practitioner. ...

And so the story goes, one of several audio/video recollections that U.S. District Clerk William S. Brownell and U.S. District Judge D. Brock Hornby envisioned some seven years ago when, after the unexpected death of a state judge, the two decided "it was time to start an oral history project" about members of the bench and bar in Maine, Brownell told *The Short Circuit* in a recent interview.

As part of the effort to preserve for posterity the stories of judges and lawyers who presided and practiced in the district during the second half of the 20th century, Hornby and Brownell established a five-member bench-bar committee to coordinate the interviewing. They also joined forces with the Cumberland County Cleaves Law Library, located next door to the Edward T. Gignoux U.S. Courthouse in Portland; it would



become another convenient repository for the tapes that have since been prepared.

The recording machinery was pressed into action in May 1999, and the interviews began in earnest. Since then, 24 interviews have been conducted.

Two state judges, a former U.S. attorney, the retired court reporter to Judge Gignoux and a former bankruptcy judge were among the early interviewees. Brownell said that many of their recollections turned out to be as much about the interviewees' personal lives as about their careers in the law.

"Which is fine," he said. "We're not talking to these people about the court as an institution. We're talking to them to learn about who they are and what their personal experiences have been. And the best interviews are those which are an informal, interesting conversation."

CLOSING STATEMENT

"How did you get these things through security?"

Chief U.S. District Judge Ernest C. Torres of Rhode Island, as he and other dignitaries at the April 25 rededication of the federal courthouse were handed large scissors for the indoor ribbon-cutting

A considerable archive is being compiled in a conference room adjacent to Brownell's office, and copies of the taped interviews are being provided to the Cleaves library next door. And portions of the oral history are being shared with the public in various venues.

The videotape of the interview with Judge Brody was condensed from its original 90 minutes to 25 minutes and, with stirring music added to the introduction and conclusion, was shown during a tribute to the late judge at the District of Maine Judicial Conference in October 2000. "Judge Brody was extremely well liked," Brownell noted, "and the attorneys really appreciated the opportunity to hear his voice and see him as he is remembered."

Since the oral history taping got under way, seven of the interviewees have died, Brownell said, "a reality that makes even more significant the importance of this project."

THE SHORT CIRCUIT

A QUARTERLY PUBLICATION BY AND FOR THE PEOPLE OF THE 1ST CIRCUIT

Ideas for and contributions of news/feature stories are welcome, as are letters to the editor.

They should be submitted to:

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