

## State of the Circuit Report

**Speaker:** Chief Judge Robert A. Katzmann



Chief Judge Robert A. Katzmann opened the 2014 Second Circuit Judicial Conference by welcoming approximately 750 attendees to the Saratoga Hilton in historic Saratoga Springs, New York. After thanking Judge Victor Marrero, Chair of the Judicial Conference, and acknowledging Judge Dennis Jacobs, his “superb predecessor,” Chief Judge Katzmann reported that “the state of the Circuit is good” and provided details on the state of affairs throughout the Circuit’s three states.

*Third Branch Budget:* Chief Judge Katzmann discussed the budget sequester, related challenges to the judiciary’s discharge of the administration of justice and the innovative ways in which the Circuit’s courts were cutting costs. While last year’s sequester, combined with the government shutdown, threatened the judicial system’s ability to continue to provide essential functions, the Chief Judges within the Circuit worked with their court executives to develop contingency plans that allowed the courts to fulfill essential functions and retain employees during the period of strained finances.

Chief Judge Katzmann observed that the passage of the first Congressional appropriations bill in several years provided much-needed financial relief from the prolonged period of fiscal austerity visited upon the federal courts. Chief Judge Katzmann thanked Chief Judge Carol Amon (EDNY), Chief Judge Loretta Preska (SDNY) and Judge Richard Eaton (Court of International Trade) and also praised the Federal Bar Council, the New York State Bar Association, the Federal Bar Association and the New York City Bar Association for making

numerous trips to Capitol Hill to meet with Members of Congress and their staffs to educate Congress about the financial needs of the federal courts in the Circuit. Chief Judge Katzmann noted that Congressional outreach remained a continuing effort because the prospect of severe funding constraints remained as the new federal fiscal year approached.

*New Judges:* Twenty new judges were appointed since the 2012 Judicial Conference. Southern District Judge Richard Sullivan and Eastern District Judge Roslynn Mauskopf were named as Toastmasters to introduce each of the new members of the Second Circuit judicial family.

Chief Judge Katzmann remarked that the quality of the new judges “is simply superb” and thanked the six United States Senators from the Circuit’s three states. He extended a cordial welcome to each new judge and wished the judges great distinction and fulfillment in their service to the courts and the nation.

*Judicial Vacancies:* While the Second Circuit had a few vacancies outstanding, the Circuit was “overall . . . in good shape.” There are no vacancies on the Court of Appeals. In the District Courts, the Western and Southern Districts of New York have no vacancies at this time. In the four Districts with vacancies — the Eastern District of New York, the Northern District of New York, the District of Connecticut and the District of Vermont — there are judicial search committees working to identify nominees. In Vermont and the Northern District of New York, there are nominees for the vacancies.

In the Bankruptcy Courts, there are three vacancies: two in the Southern District of New York due to the retirement of Judges James Peck and Allan Gropper and one in Connecticut due to the impending retirement of Judge Albert Dabrowski. The Court of Appeals is working to fill these vacancies. Judge Robert Sack chairs the Merit Selection Committee for the Southern District, and Judge Susan Carney will chair the Connecticut Search Committee.

As to Magistrate Judges, there are two vacancies, one each in the Southern and Eastern Districts of New York due to the retirement of Magistrate Judges Michael Dolinger and Robert Levy, both of whom immediately agreed to be recalled and continue to carry full caseloads. The Second Circuit Council has approved these recalls as well as the filling of the Eastern District seat.

*Thurgood Marshall Courthouse:* The Court of Appeals returned to the newly renovated, historic Thurgood Marshall Courthouse (the “Courthouse”) after more than six years of displacement. Chief Judge Katzmann noted that since its return, the Court has held a series of lectures, educational programs and receptions to welcome its constituencies into the Courthouse and make it more accessible to the public.

*Public Engagement & Civic Education:* Chief Judge Katzmann noted that it is imperative to find ways in which the Court can bring its constituencies and communities into the Circuit’s courthouses to educate them about the justice system, to share ideas for improving the administration of justice in the federal courts, to empower them as citizens to support the federal judiciary and to demonstrate the inherent value of public service in their lives and careers.

Chief Judge Katzmann then outlined a Circuit-wide program of public engagement and civic education designed to bring into the Circuit's courthouses individuals of all ages, backgrounds and experiences by offering innovative and educational programs and events so that they may learn about the work of the federal judiciary and develop a better understanding of the importance of an independent federal judiciary. A few ideas for this initiative were described:

(i) *Young People's Inns of Court*: Chief Judge Katzmann suggested extending the Inns of Court program to "our younger society," including junior high school students, high school students and college students;

(ii) *Evenings at Thurgood Marshall Courthouse*: Chief Judge Katzmann noted his intention to continue hosting evenings at the Courthouse to enable lawyers and non-lawyers to explore the historic Courthouse, visit courtrooms and participate in educational programs;

(iii) *Sharing our Courthouse Space*: Chief Judge Katzmann spoke about sharing the judiciary's spaces with bar associations, civic organizations and student-based groups in need of a place to hold their educational programs;

(iv) *Student Education*: Chief Judge Katzmann proposed sponsoring more organized programs enabling school classes to visit the Courthouse;

(v) *Teacher Institutes*: Chief Judge Katzmann suggested hosting civic teachers and making use of already existing materials to develop modules about the courts which could be part of school curricula; and

(vi) *Court Ambassador Programs*: To assist with staffing the Court's various programs, Chief Judge Katzmann proposed creating a core of senior lawyers to serve as docents, researchers and advisors to the Court's constituencies in the Courthouse. Chief Judge Katzmann invited those who might be interested in serving to contact the Circuit Executive.

Chief Judge Katzmann indicated that he will be creating a new Circuit Committee for Public Engagement and Civic Education with an advisory council comprised of judges, lawyers, educators, academics, curators, architects, engineers, journalists and citizens with an interest in opening the courts to the communities in which the courts are located.

The objectives for this program of civic engagement and public education are to bring communities into the Circuit's courthouses and illustrate for citizens how courthouses are living testaments to the rule of law on which our system depends.

*Hails and Farewells*: Chief Judge Katzmann noted that the Circuit had lost five judges since the 2012 Judicial Conference: Senior Circuit Judge Joseph McLaughlin, Connecticut District Judge Mark Kravitz, Senior Southern District Judge Peter Leisure, Senior Southern District Judge Harold Baer, and Southern District Bankruptcy Judge Burton Lifland.

Chief Judge Katzmann welcomed two new members of the Second Circuit court family appointed since its 2012 Judicial Conference: Gary Gfeller, Clerk of the Connecticut Bankruptcy Court, and Eugene Corcoran, Eastern District Executive.

Chief Judge Katzmann thanked Karen Milton, Janice Kish, Kaleena Guzman, Matt Garaufis, Matvey Zabbi, Larry Sadera, Chris Cooper and Rita Adady for their work in connection with the 2014 Judicial Conference.

Chief Judge Katzmann again thanked Judge Victor Marrero for his extraordinary work as Chair of the 2014 Judicial Conference and expressed his delight that cabinet secretaries, FBI directors, National Security Council officials, academics, a former United States senator, a former Attorney General, military officers, business leaders and media representatives would be participating in the various conference programs.

Chief Judge Katzmann concluded by thanking the members of the Judicial Conference Program and Planning Committee, noting that they had worked hard to develop a spectacular program on cyber-security in an age of cyber-terrorism.

