

## President's Message

LAWRENCE R. BACA

### Equal Justice Under Law

**IT'S PARAMOUNT IMPORTANCE to a free society dictates that it be written on the front of the United States Supreme Court Building. As lawyers, that is what we seek. As a society, that is what we demand. As individuals, that is what each deserves. H.L. Menken wrote that "Injustice is**

relatively easy to bear; what stings is justice." We place a great burden on the women and men who are appointed to the judiciary: we expect justice from them. To achieve this end we require that the President and the Senate appoint and confirm the best and the brightest in our profession to the federal judiciary.

Would I argue that our court system is perfect? No one who has seen my writings about the judge who, in 1978, cornered me in the library of a U.S. attorney's office the night before my case was to be heard, called me "Boy" several times, and explained to me that if I used the term discrimination in his court room he would "chew [me] up and spit [me] out" would expect me to say "Yes." Would I trade our federal system for another? The answer is an unequivocal "No." The conversation and verbal assault about which I have written and spoken was with an errant judge—not an errant system of justice. While that judge did, as you might expect, rule against the United States in that case, he was overturned on appeal. The process worked as it was designed to work. This month's issue of *The Federal Lawyer* focuses on the many institutions that serve the judicial branch and have been developed to aid in making it work better—from judicial training to budgeting for brick and mortar.

The overview of the judicial branch by James C. Duff, the director of the Administrative Office of the United States Courts, (AO), explains the complexity and expanse of the judicial branch of the federal government, which includes almost 200 courts that are administered by more than 2,000 judges. But there is much more to the judicial branch than just the courts and judges. Among other entities, the judiciary includes the Administrative Office of the United States Courts, the Federal Judicial Center (FJC), the United States Sentencing Commission, and the Judicial Panel on Multidistrict Litigation. Part of the process of improving the delivery of justice also involves the Judicial Conference of the United States, which is made up of the judges themselves.

The AO plays a vital role in supporting and strengthening the judicial branch. Consisting of personnel who

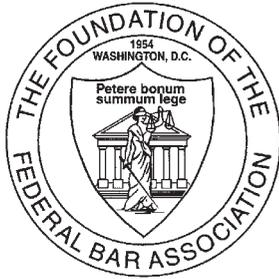
are "lawyers, public administrators, accountants, systems engineers, analysts, architects, statisticians," Duff describes the AO as the "executive branch [of] the judicial branch." One of its many roles is also to educate both the public and the practitioner. As the world becomes more electronic so, too, has the way the AO dispenses information including videos, podcasts, and YouTube clips through the AO's new and still improving Web site.

As is explained in depth, the role of the Judicial Conference of the United States is to set administrative policies for the courts. A 27-judge body, headed by the Chief Justice of the United States, at any given time the Judicial Conference can have as many as 300 judges serving on a variety of committees that are exploring ways to improve the federal court system. For example, the Judicial Conference recently established new procedures for the investigation of judicial misconduct under the Judicial Conduct and Disability Act of 1980. (Where was that law when I needed it in 1978?) The AO works closely with the Judicial Conference and helps to communicate to Congress the recommendations of the conference that require congressional attention. The AO also works with Congress when drafting legislation that will affect the federal courts.

The Federal Judicial Center among other duties runs the training program for newly appointed judges, which Judge Gustavo Gelpi, a former member of the FBA Board of Directors, has referred to as "baby judge school." Every new judge receives orientation and training on the many aspects of the judicial process—from calendar management to sentencing and from chamber management to opinion writing—as well as specific training on difficult substantive areas of law that are likely to arise in the federal system. Even the best and the brightest need basic training on how to be a federal judge. The FJC also provides specific training for court personnel. A well-run courtroom is like the duck in the pond—he



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moves smoothly and seemingly without effort above the water, but below the surface his webbed feet are churning at a rapid pace. Beneath the surface of a well-run trial court are the rapidly churning efforts of many court personnel. Part of the reason the process looks so smooth on the surface is the excellent training those personnel have received through the FJC. Providing equal justice takes a lot of hard work.

The FJC also maintains an active and user-friendly Web site. I visited the site's history section and learned some interesting things in a very short period of time. Did you know that it wasn't until 1971 that the Supreme Court had a majority of justices who were men with previous judicial service? I also learned that the first woman was appointed to the federal bench in 1934 and the first African-American federal judge "appointed during good behavior" was appointed in 1950. The first Hispanic judge was appointed to the federal bench in 1961, the first Asian in 1971, and the first Native American in 1979. I'll discuss the importance of these things in my next column. **TFL**

### Editorial Policy

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