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John F. Sonnett Memorial Lecture Series: The Office of Chief Judge of a Federal Court of Appeals

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Federal Court of Appeals for the Second Circuit

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INTRO

FEINBERG: THE OFFICE OF THE CHIEF JUDGE OF A FEDERAL COURT OF APPEALS

If one were to ask the average American citizen to name the members of the Supreme Court, that person would probably be able to name a few members of the panel. The average American would at least be able to name Justice Clarence Thomas, whose confirmation hearings received higher television ratings than many prime time network broadcasts. As the court of last resort, the United States Supreme Court is the most recognizable forum in the nation. Its decisions have affected every aspect of society from desegregation to abortion.

Similarly, the average American citizen might also probably be familiar with the functions and responsibilities of the local federal trial court. Maybe that citizen fulfilled his or her civic duty as a juror in that court. On the other hand, maybe that person read an article in the New York Post about the testimony of the mobster turned government witness in a murder and racketeering case at the Eastern District Courthouse in Brooklyn.

However, if one asked an average New Yorker to name the Chief Judge of the United States Court of Appeals of the Second Circuit, his response would be: "Chief Judge of what? I have no idea." Most people do not even know what goes on in a federal Court of Appeals. They would most likely assume that the appellate court has a judge's bench, a jury box, and a witness stand just like the courtrooms they see on *L.A. Law* or *Perry Mason*. When most people think of the art of advocacy, they picture an attorney arguing his client's position to a jury, not

to a panel of judges.

The fact of the matter is that the federal Court of Appeals is the unsung hero of the federal court system. These courts possess neither the drama of the trial courts nor the well-publicized controversies that divide the Conservative and Liberal camps of the Supreme Court. However, only a small percentage of cases are granted certiorari by the Supreme Court annually. Because so many cases are denied such review, the federal Courts of Appeals act as a court of last resort in approximately ninety-nine per cent of the cases they decide.

Since the role of the federal Courts of Appeals is so vital, it is important to understand what the responsibilities are for the leader of such an entity. The chief judge of a federal court of appeals plays two major roles. First, the chief judge acts as the chief administrator of the entire circuit, overseeing its operation. Second, the chief judge is the head of the court of appeals. In the context of anonymity, the Second Circuit Chief Judge Feinberg's speech attempts to shed some light on the labors of an office that is relatively unknown.