



# FEDERAL CIRCUIT HISTORICAL SOCIETY

## NEWSLETTER

VOLUME 3, No. 1

SPRING 2006

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The Federal Circuit Historical Society is a not-for-profit organization founded in 1999 by Jerry Howe, Mary Jennings, David Kane and Scott Kieff. It is dedicated to the preservation and dissemination of the history of the United States Court of Appeals for the Federal Circuit and its predecessor courts.



Above: Chief Judge Helen W. Nies served as the second Chief Judge of the Federal Circuit, and was the first woman appointed to the court, by President Jimmy Carter in 1980.

### **Photographic Archives Project**

The Society has begun preparing an electronic database and catalogue of historical photographs of the judges and personnel of the court, persons associated with the court, important historical events at the court, and buildings and physical objects associated with the court that we and the court have collected over the past several years. The principal source of

these historical photographs is a collection recently donated to the Society by the family of the late Judge Giles S. Rich, who besides being an avid photographer, was a giant figure in patent law, and author of the current patent statute in 1952.

So far, the Society has electronically scanned approximately 730 photographs, and expects to scan approximately 100 more photographs. The Society has begun to categorize and draft captions and explanations for the photographs, which will be published along with the photographs. In addition, the Society is creating a spreadsheet catalogue of the photographs. When the photographic archives project is complete, the Society expects to publish the photographs, along with their captions and explanations, on the Society's web site.

The Photographic Archives Project, as well as the oral histories Project, have been supported by grants from the Fairleigh Dickinson, Jr. Foundation, which has been very generous in its support of the Society.

### **Oral Histories Project**

The Society completed interviews this year for oral histories of Judge Bennett and Judge Markey.

The Society has now collected oral histories for at least eight judges and several other individuals who were important figures in the history of the court. The oral histories include Judges Giles Rich, Wilson Cowen, Marion Bennett, Howard Markey, 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. Future oral histories will proceed according to the judges' seniority. The next planned oral histories are for Judge Davis and Judge Nies.

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The Society thanks Ric Henschel of Foley & Lardner in Washington, DC. for his work in coordinating the interviews.

### **Written History Project**

The Society recently signed a contract with Dr. Steven Flanders, author of several judicial histories, and former Circuit Executive for the United States Court of Appeals for the Second Circuit, to write a book length history of the Federal Circuit. Dr. Flanders will cover the period from the inception of the Federal Circuit through the tenure of its first Chief Judge, Howard T. Markey 1982-1990. It will also provide historical context by comparing the experience of the Federal Circuit to that of other national

courts, most notably the now-defunct United States Commerce Court. This project is being supported in part by various law firms interested in the work of the Society.

We received a written outline for the book from Dr. Flanders in April 2006. David Kane serves as contract coordinator with Dr. Flanders on behalf of the Society.

### **Annual Dinner**

The Society celebrated its third annual dinner at the historic Dolley Madison House, now part of the Federal Circuit's facilities, on the evening of September 16, 2005. The dinner was attended by more than 80 persons. The program included a presentation by Circuit Executive Jan Horbaly and the artist Michael Aviano of a new version of the court seal, and brief remarks by the historian hired by the Society, Dr. Flanders.

The 2006 Annual Dinner will be Saturday, October 21, 2006 at the Dolley Madison House.



Above: Artist Michael Aviano explains his depiction of the court seal at the Society's 2005 Annual Dinner.

### **Former Chief Judge Markey dies**

Howard T. Markey, the first Chief Judge of the Federal Circuit, and a key figure in the history of the court and its predecessor, died on Tuesday, May 2, 2006, after a long illness. The obituaries appropriately described Judge Markey - a World War II and Korean War veteran and jet test pilot, General in the Air National Guard, patent attorney, judge, and leader in judicial reform and the American Inns of Court movement, and many other activities - as a "Renaissance man."

### **Annual Meeting**

The Society held its 2005 annual meeting on June 23, 2005, at Kiawah Island in South Carolina, during the Federal Circuit Bar Association Bench and Bar conference. The meeting was attended by approximately 100 people. The meeting included a historical presentation by George E. Hutchinson on the "The Events and Individuals that Form the History of Madison Place, Lafayette Square," which is the location of the courthouse for the United States Court of Appeals for the Federal Circuit. The slides from Mr. Hutchinson's talk will be published on the Society's website.

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The Society's 2006 annual meeting will be a luncheon buffet on Thursday, June 29, 2006, at the Hyatt Regency Tamaya in New Mexico, during the Federal Circuit Bar Association's Bench and Bar Conference. The meeting will include a historical presentation by Dr. Steven Flanders on historical court houses.

### **New Publication: Annual or Journal**

The Society hopes to begin publishing an journal or annual within the next year. It will contain substantive articles about the history of the court and its judges. The content may include information from the oral histories and some of the photographs we have collected. Herb Mintz will be chairing the effort to get the new publication off the ground.

### **New Membership and Annual Dinner Committee**

Charles J. Schill, partner in the firm of Steptoe & Johnson, and Steve Peterson, partner in the firm of Finnegan Henderson Farabow Garrett & Dunner, both former presidents of the Federal Circuit Bar Association, will co chair the Society's newly formed membership committee. The Membership Committee will be studying ways to increase the membership and visibility of the Society, and as well as enhance the fundraising efforts of the Society.

Martha Scheider, General Counsel of the Merit Systems Protection Board, and current president of the Federal Circuit Bar Association, will chair the Society's Annual Dinner Committee.

### **Society Committees**

The Society has the following other committees. If you are interested in serving on any of these committees, please contact Philip Swain, Foley Hoag LLP, 155 Seaport Boulevard, Boston, MA

02210, Tel: (617)832-1150; Fax (617) 832-7000; e-mail pswain@foleyhoag.com.

- (1) Oral Histories
- (2) Written History
- (3) Photographic Archives
- (4) History of the Court of Customs and Patent Appeals
- (5) History of the Court of Federal Claims
- (6) History of the Court of Appeals for Veterans' Claims
- (7) History of the Merit Systems Protection Board
- (8) History of the Court of International Trade
- (9) Conferences and Educational Programs
- (10) Publications (newsletter, journal, and web site)
- (11) Membership
- (12) Annual Dinner

### **Membership**

We now have more than 70 members. If you know anyone who is interested, please encourage them to join. Dues are \$25.00 per year. An application form is available on our website.

### **New Address**

The Society has now moved to a new address, within the Federal Circuit Bar Association offices, at 1620 I Street N.W., Suite 900, Washington, DC 20006.

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### Website

Please visit our website at:

**[www.federalcircuithistoricalsociety.org](http://www.federalcircuithistoricalsociety.org)**

The Society's website includes basic information about the Society, an application to become a member, and links to Society publications.

### Articles and editor wanted

We hope this newsletter will someday include substantive articles of historical significance. If you are interested in helping out as editor of this newsletter, or have articles or notices for the newsletter, please e-mail the Society. ♦

Federal Circuit Historical  
Society

1620 I STREET N.W., SUITE 900  
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