

1985

Remarks, Judicial Conference of the Second Circuit

Roger J. Miner '56

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UNITED STATES COURT OF APPEALS
SECOND CIRCUIT
UNITED STATES COURTHOUSE
ALBANY, NEW YORK 12201

CHAMBERS OF
ROGER J. MINER
CIRCUIT JUDGE


October 30, 1985

Ms. Andrea F. Gatti
Judicial Conference of the
Second Circuit
Planning and Program Committee
919 Third Avenue
New York, New York 10022

Dear Ms. Gatti:

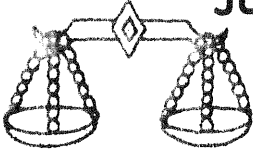
I enclose a corrected transcript of my remarks at the Second Circuit Judicial Conference. Please see that the appropriate corrections appear in the final record.

Yours very truly,



Roger J. Miner

RJM/sjh
Enc.



JUDICIAL CONFERENCE OF THE SECOND CIRCUIT

Planning and Program Committee

919 THIRD AVENUE • NEW YORK, N. Y. 10022 • 371-6000

HON. WILFRED FEINBERG
CHIEF JUDGE

BARRY H. GARPINKEL
CHAIRMAN

WILLIAM P. FRANK
EXECUTIVE SECRETARY

ELAINE B. GOLDSMITH
SECRETARY OF THE CONFERENCE

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OCT 28 1985

ROGER J. MINER
U.S. CIRCUIT JUDGE
ALBANY, NEW YORK

October 11, 1985

RAYMOND W. BECKWITH
HON. NAOMI R. BUCHWALD
HON. JOSÉ A. CABRANES
HON. RICHARD J. CARDAMONE
JULIUS L. CHAMBERS
LOUIS A. CRACO
HON. JOHN T. CURTIN
HON. CONRAD B. DUBERSTEIN
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HON. MORRIS E. LASKER
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HON. EUGENE H. NICKERSON
BERNARD W. NUSSBAUM
HON. JAMES L. OAKES
NORMAN REDLICH
LEON SILVERMAN
EUGENE P. SOUTHER
LEONARD F. WING, JR.

MEMORANDUM RE: SECOND CIRCUIT JUDICIAL
CONFERENCE TRANSCRIPT

FROM: ANDREA F. GATTI

As has been our practice in the past, we are having the transcript of the proceedings of this year's Second Circuit Judicial Conference printed by West Publishing Company in the Federal Rules Decisions. Accordingly, we are enclosing the pages on which you are quoted, and we ask that you please return them with your comments at your earliest convenience.

Thank you very much.

1 ascended, or descended, depending on your
 2 perspective, to the Second Circuit Court of
 3 Appeals. I am sure he will lend enormous weight
 4 to that court.

5 Jackie, his wife, I think is known to
 6 all of you. Jackie, would you stand up and take a
 7 bow (applause).

8 It is customary on this occasion for
 9 one of the new judges to make a few remarks on
 10 behalf of all, and Judge Miner has been selected
 11 for this evening.

12 Roger.

13 JUDGE MINER: Mr. Toastmaster, Justice
 14 Marshall, Chief Judges Feinberg and Wachtler,
 ✓15 guests at the dais, brothers and sisters ^{of} ~~at~~ the
 ✓16 bench and bar, ladies ^{and gentlemen:} My new colleagues and I
 17 are grateful for the fine introductions. It is a
 18 special pleasure for me to be introduced by my old
 19 friend, Joe McLaughlin, and I welcome his
 20 designation as master of ceremonies at this
 21 Circuit Conference. When I first met him he was
 22 working local bar association meetings and
 23 American Legion conventions under the name of Dean
 24 (laughter).

25 As an educator it was said that he

✓1 could take any dry legal subject and make it ^{dull} full
2 and boring. When a government agency asked him
3 for a listing of the Fordham Law faculty broken
4 down by age and sex, Joe wrote, "While some
5 members of our faculty may be broken down by
6 alcohol, not one is broken down by age or sex."
7 And now as a federal judge Joe has become a legend
✓8 in his own ^{mind} time (applause).

✓9 Recently, when arraigning a defendant,
10 he asked the customary question, "Are you
11 represented by an attorney?" The defendant
12 replied, "God is my lawyer." The Judge responded,
13 "I think you should have someone locally."

14 He received a letter from a pro se
15 litigant containing these words, "Ever since I
16 fell off the loading platform at the Ajax Trucking
17 Company, I have been unable to have marital
18 relations more than five times a week." Joe
19 wrote back, "Tell me, where is that loading
20 platform?" (laughter).

✓21 I am happy that the Chief Judge of ^{the}
22 New York Court of Appeals is our principal speaker.
23 I ran into him in Albany a few weeks ago and told
24 him that I soon would be sitting in New York City
25 as a judge of one of the greatest appellate courts

1 of the country. He said, "Have you been appointed
2 to the Appellate Division, First Department?"

3 I told Sol that the New York
4 legislature unfairly added to the burdens of the
5 federal judiciary at the last session by the
6 recent legislation authorizing federal judges to
7 perform marriages in New York. And that actually
8 happened, that authorization has come through.
9 The New York legislature which, in its infinite
10 wisdom -- we always use that term when everybody
11 knows it is as finite as it can be -- but there is
12 that legislation authorizing us to perform
13 marriages.

14 In fact, just last Friday a young
15 couple appeared at my chambers in Albany and asked
16 me to perform the marriage ceremony pursuant to
17 the new authorizing legislation. I was kind of
18 reluctant to do it. I told him that I preferred
19 not to do it, and the young man said, "Could you
20 say a few words to tide us over the weekend?"

21 My colleagues and I do look forward,
22 with great anticipation, to our service in the
23 federal judiciary. I could say that I approach my
24 new duties with deep humility, with profound
25 reverence, with great awe. I could say all those

1 things but they wouldn't be true (applause).

2 JUDGE McLAUGHLIN: We have come
3 finally to the piece de resistance of the evening,
4 the introduction of our guest speaker. It is hard
5 to know where to begin with Sol Wachtler. He was
6 born in Brooklyn, somehow found himself, however,
7 at Washington and Lee University. I haven't any
8 idea where that is (laughter). But he not only
9 went to college there, but went to law school
10 there as well.

11 I noticed having read his resume that
12 while in law school he was president of the
13 student bar association. As a former dean I have
14 a particular affection for presidents of the
15 student bar association. Laura Ward was a
16 president of the student bar association at
17 Fordham. A dean needs SBA presidents as much as a
18 dog needs fleas (laughter). It does remind you of
19 your mortality.

20 Sol's governmental career began in
21 1963 when he was elected a councilman of the Town
22 of North Hempstead. In 1965 he became the chief
23 executive of the town and a member of Nassau
24 County's Board of Supervisors. At some point he
25 decided to run for county executive and he ran