

# Introductory Remarks: Celebrating the Second Circuit Centennial

Thurgood Marshall

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# INTRODUCTORY REMARKS

## CELEBRATING THE SECOND CIRCUIT CENTENNIAL

THURGOOD MARSHALL\*

I am delighted to offer a few words in commemoration of the Second Circuit's one hundredth anniversary. As some readers may be aware, I have served the Second Circuit in several capacities. From 1961 until 1965, I was a judge on the Second Circuit; since 1972, I have served as its Circuit Justice. Throughout these years, my admiration of this great court has not abated. To me, the Second Circuit stands out among all other courts of appeals for the quality of its contributions to the American legal system.

Any discussion of the Second Circuit must start with its brilliant judges. The Second Circuit has been home to such legendary figures as Learned Hand, Augustus Hand, Charles Clark, Jerome Frank, and Henry Friendly. Through these men and their capable successors, the Second Circuit has acquired an unrivaled reputation for judicial craftsmanship and scholarship. It is no surprise that Second Circuit jurisprudence has achieved prominence in so many fields, including commercial law, criminal procedure, admiralty, securities law, civil rights, copyright, and the first amendment.

Yet it is a mistake to characterize the Second Circuit merely as a court of great judges and great cases. In its everyday life, the Second Circuit provides uniquely personal and prompt justice to all of its litigants. Notwithstanding the regrettable trend among our courts of appeals of limiting oral argument to "worthy cases," the Second Circuit does not screen its cases and continues to en-

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\* Associate Justice, United States Supreme Court.

courage parties to partake in oral argument.<sup>1</sup> Solicitude for the right of each litigant to his or her "day in court" has not compromised the Second Circuit's efficiency. The Second Circuit ranks among the quickest of our courts of appeals in disposing of its docket.<sup>2</sup>

I will always remember my tenure on the Second Circuit for the kindness and respect my colleagues displayed towards one another. When I visit the Second Circuit's Judicial Conference each year, I am heartened to discover that collegiality remains one of the court's hallmarks. Such collegiality not only makes a judge's work more pleasant, but in the end, it also fosters a higher quality of judging. The Second Circuit's performance in its first century confirms this. I congratulate the Second Circuit on its one hundredth anniversary and extend my sincere wishes that it will enjoy a second century as distinguished as its first.

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<sup>1</sup> See Feinberg, *Unique Customs and Practices of the Second Circuit*, 14 HOFSTRA L. REV. 297, 303-07 (1986).

<sup>2</sup> For instance, for the twelve month periods ending June 30, 1987 and June 30, 1988, the Second Circuit had the shortest median time of all the circuits from the filing of a notice of appeal to its final disposition. See REPORTS OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES, ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS 155 (1988); REPORTS OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES, ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS 152 (1987). For the twelve month period ending June 30, 1989, the Second Circuit was eclipsed only by the Third Circuit. See REPORTS OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES, ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS 151 (1989).