

# THE SHORT CIRCUIT EX. E

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"[T]hings that looked so simple when I was an advocate suddenly don't seem so simple to me as a judge."

*Judge F. Dennis Saylor IV  
U.S. District Court  
for Massachusetts*

## In Mass., successor to a senior judge takes his seat in court's central section

WORCESTER, Mass. – After nearly a year of political wrangling in Washington, D.C., and, to a lesser extent, here in Worcester, F. Dennis Saylor IV has been installed as presiding judge of the central section of the U.S. District Court for Massachusetts.

In what could be considered a rendition of musical chairs, Saylor replaces Judge Nathaniel M. Gorton, who, in 1992, became the first USDC judge assigned full-time to Worcester. Gorton is now sitting in Boston, in the seat held by Judge Robert E. Keeton. In March 2003, Keeton, then 83, announced that he would take senior status, thus creating the vacancy that Saylor, 49, has filled.

Appropriately enough, it was Keeton who administered the oath of office to Saylor in a quiet ceremony held June 15 in the chambers of Chief U.S. District Judge

William G. Young in the Boston federal courthouse. A formal investiture was scheduled for Sept. 29 in Worcester's Mechanics Hall.

The political standoff that delayed Senate confirmation of Saylor, first nominated on July 30, 2003, was the result of interparty disputes among members of the Senate Judiciary Committee, which has review authority over judicial nominations proposed by the president. Even as that controversy was unfolding, members of the Worcester bar were making known their displeasure at not having a central Massachusetts lawyer named to the judicial post. (Saylor practiced law in Boston for many years and resides in Weston.)

And U.S. Sen. Edward M. Kennedy, a member of the Judiciary Committee, while supportive of Saylor's nomination, was quoted

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## Court of Appeals maps plan for continuity of operations Seen as 'template' for districts' courts

BOSTON – Chief Judge Michael Boudin of the 1st U.S. Circuit Court of Appeals has approved a continuity of operations plan, or COOP plan, outlining procedures that would ensure the ongoing operation of the court if the use of its headquarters building in Boston were to be "threatened or diminished."

The sweeping plan, adopted in May at a conference of court unit executives in Bretton Woods, N.H., would transfer the essential functions of the Court of Appeals to the Warren B. Rudman U.S. Courthouse in Concord, N.H., if a sudden emergency necessitated the evacuation of the John Joseph Moakley U.S. Courthouse in Boston.

Preparation of the plan by the Office of the Circuit Executive followed an Oct. 17, 2001, memorandum from the Administrative Office of the U.S. Courts and similarly timed presidential directives issued in the wake of the Sept. 11, 2001, attacks on the Pentagon in Washington, D.C., and the World Trade Center in New York, Circuit Executive Gary H. Wentz explained in submitting the OCE draft for approval.

While the plan covers only the functions of the Court of Appeals, it

### What constitutes an emergency?

The continuity of operations plan envisions several scenarios, any one of which could be considered an emergency requiring activation of the COOP plan:

- total Boston disaster – requires complete evacuation of Boston courthouse for a prolonged period;
- courthouse uninhabitable – requires personnel to relocate;
- environmental problem in computer room or hardware failure – requires IT staff to take appropriate action but does not require movement of personnel; if the Boston servers were rendered inaccessible for an extended period of time, IT staff would arrange for users to gain access to the New Hampshire system from Boston.

is being circulated among court administrators within the districts of the 1st Circuit "for use as a template for developing their own [COOP procedures]," Susan J. Krueger, deputy circuit executive, said in a recent interview with *The Short Circuit*.

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## Brownell caps 30 years of service wearing clerk's 'hat,' judge's robe

By BARBARA RABINOVITZ

PORTLAND, Maine – Thirty years into his career with the U.S. District Court for Maine, notably as its clerk and part-time magistrate judge, William S. Brownell might seem to be feeling he had accomplished all there was to be done in the way of court administration.

Not so, Brownell is quick to point out. The respect accorded him by the USDC judges, the dedication of his staff, and the court's emergence at the forefront of judicial technology all have made his work as challenging as it was when he began as deputy clerk on July 1, 1974, Brownell explained in a recent interview days after that 30th anniversary.

Then 28, he was one of five clerk's office employees in the court's Portland headquarters and 1½ in its central Maine division in Bangor; currently, there are 22 full-time staffers.

Growth in staff has not been the only change Brownell has observed – and fostered – over a quarter-century since he was promoted to clerk of court in 1979. Three other major developments have had a profound impact on federal court management in this district, he told *The Short Circuit*.

"Certainly automation is the biggest fundamental change in how we do business," Brownell said, recalling the paper files, mimeograph machines and "wet copies" that were the tools

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### In his likeness

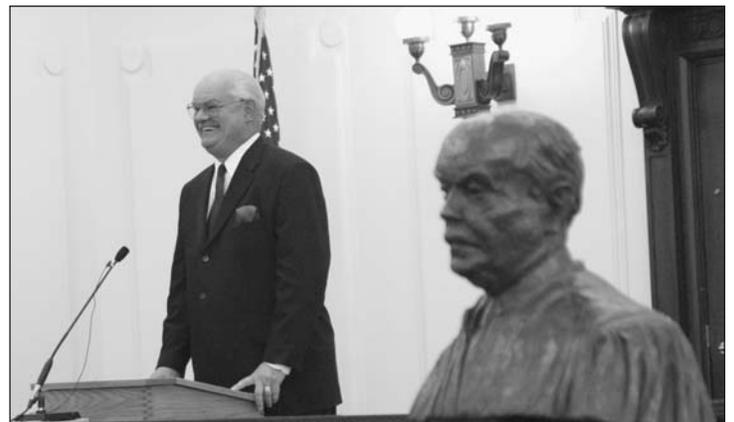


Photo by Susan M. Durst  
Senior U.S. District Judge Gene Carter of Maine acknowledges the presentation of a bust in his honor during a July 16 ceremony at the federal courthouse in Portland. Carter was appointed to the court in July 1983 and assumed senior status in January 2003.

## New MJ named for Rhode Island

PROVIDENCE, R.I. – If Lincoln D. Almond, Rhode Island's newest U.S. magistrate judge, needed any inspiration for a career in public service, he did not have to look beyond the family home.

His father (of the same name) served as governor of the Ocean State from 1995-2003 and, before that, as U.S. attorney for the District of Rhode Island.

"My father set an example for me – that public service is a privilege and is to be served with the highest professional and ethical standards," the younger Almond said in a recent interview.



**LINCOLN D. ALMOND**  
**'Public service ... a privilege'**

Eagerly anticipating his own career in federal public service, Almond described his judicial appointment as "a tremendous honor for me to join such a fine court [and] to join the federal court family."

Almond, 41, replaces Robert W. Lovegreen, 65, who retired Sept. 1 after nearly 12 years as one of the district's two full-time magistrate judges (David L. Martin being the other). Almond's investiture is not his first and only introduction to the federal judiciary. After his law school graduation in 1988 (with high honors from the University of Connecticut), he served as a law clerk to USDC Judge Peter C. Dorsey in Connecticut.

"So I have some familiarity with the [court] system," Almond said, adding, "I'm working diligently to hone my skills to take on this challenge."

A lifelong resident of Rhode Island (he grew up in, for him, the aptly named Lincoln), Almond graduated from the University of Rhode Island in 1985 with a bachelor's degree in accounting.

## USDC/Mass. judge second to preside in Worcester

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last fall as saying that "the court needs greater gender and racial diversity, and I hope that future nominations will address this concern."

But it was approbation, not reservations, that Saylor heard on June 2, the day after the Senate confirmed his judicial nomination by a vote of 89-0. Joseph D. Early Jr., president of the Worcester County Bar Association, said in the Worcester Telegram & Gazette that day: "We're going to get behind Judge Saylor in any way that we can. ... We're sure he's going to do a great job."

In an early-summer interview with *The Short Circuit*, Saylor, between observing trial proceedings in Gorton's session in Boston and preparing to take on Gorton's and his own caseload in Worcester, took time out to talk about the challenges of his new job and the experience he brings to it.

He was anticipating that his task would be made easier by the acceptance Gorton gained among local lawyers during his years in the central section, which handles cases involving parties in Worcester

County. "Having Judge Gorton go before me is a real benefit," Saylor said. He also was looking forward to working with U.S. Magistrate Judge Charles B. Swartwood III, who sits in Worcester. "Judge Swartwood has an outstanding reputation among the members of the local bar," he said.

A graduate of Northwestern University, where he earned a degree in journalism, and Harvard Law School, Saylor began his legal career as an associate for six years at the Boston law firm of Goodwin Procter. In 1987, he moved into the public sector as an assistant U.S. attorney in Massachusetts. In 1990, he relocated to Washington to become chief of staff to Robert S. Mueller III, then assistant attorney general in the criminal division of the U.S. Department of Justice and now director of the FBI. Three years later, he was back in Boston, this time as a partner at Goodwin Procter in the firm's litigation department.

As a former prosecutor, civil litigator and criminal defense attorney, Saylor has worked both sides of the courtroom aisle. As a new judge, he concedes that the view from the

bench is vastly different from what an attorney observes from counsel's table. "I haven't judged any cases yet," he noted, "but things that looked so simple when I was an advocate suddenly don't seem so simple to me as a judge."

No stranger to the federal trial and appellate courts in Boston, he said, "I have tried cases in front of most of the U.S. District Court judges in this district, and I have argued cases before the Court of Appeals."

Asked if his undergraduate education in journalism would be of any value to him as a judge, Saylor did not discount that possibility. "I always prided myself on being a fairly clear writer, and studying journalism certainly contributed to that," he said.

Might his journalism studies also contribute to a reputation for evenhandedness? In response, Saylor said he views his experience in prosecution and defense work as more of a factor in what he hopes, in any event, will be "a balanced approach to the bench."

## Clerk/MJ in Maine logs three decades of service

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of a court clerk's trade 30 years ago. "All that has changed – for the better."

Decentralization within the federal judiciary as a whole has been another improvement, "especially in the area of budget," he said. "It has given each local court unit the opportunity to manage resources effectively."

Thirdly, the role of the court unit executive has evolved, with that person "being recognized as a manager with decision-making authority and responsibilities," Brownell said. "The job [of district court clerk] has grown with those responsibilities. It used to be managing the docket, pushing papers. ... But now we have the ability to structure our offices in a manner that fits our needs and the authority to manage large budgets and make significant spending decisions locally. That is absolutely a change for the better."

The past three decades have also brought changes in the kinds of cases filed in federal court in Maine, according to Brownell, a native of New Jersey who moved to this state with his family when he was 15 and then went on to obtain his undergraduate and law degrees from the University of Maine.



**WILLIAM S. BROWNELL**  
**Marks career milestone**

"Back then we had a lot more FELA and admiralty cases, and we were swamped with asbestos cases," he said. "We're seeing fewer of those cases and many more civil rights, employment discrimination cases. ... So the character of the civil caseload has changed."

"On the criminal side, we used to have a lot of [cases involving] failure to file tax returns and the interstate transportation of stolen property. Now, of course, it's more and more drug cases."

As part-time magistrate judge since 1979, the same year he was named clerk, Brownell is one of

only two full-time clerks of court nationwide to also serve in a judicial capacity. When he took on that assignment, he remembers, "there were eight or 10 clerk/magistrates in the federal system. The thinking then was it would be efficient to have someone in the building if there was an arrest or a need for a search warrant, or for other reasons."

This clerk of court acknowledged having to perform the duties of a magistrate judge several times a week, including emergency matters. "Often I've had federal agents come to my home with warrant applications in the middle of the night," Brownell said, managing a smile at the thought.

How is it his work has had such lasting appeal for him? Brownell credited the USDC judges for having "always included me in issues of court governance," his "very dedicated and knowledgeable" staff and numerous innovative national judicial-administration programs, in which the District of Maine has taken a leadership position, for keeping him smiling after all these years.

*Barbara Rabinovitz is editor of The Short Circuit.*