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## Summary Information

| | |
|---|---|
| **Repository:** | Rare Book and Manuscript Library |
| **Creator:** | Feinberg, Wilfred, 1920-2014 |
| **Title:** | Wilfred Feinberg Papers |
| **ID:** | 8928418 |
| **ID:** | MS#1585 |
| **Date [inclusive]:** | 1936-2011 |
| **Date [bulk]:** | 1960-2011 |
| **Physical Description:** | 222.71 linear feet 220 record cartons 1 halfwidth document case 2 small artifact boxes and 1 flat box |
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| **Abstract:** | The Wilfred Feinberg papers consist of over 200 linear feet of material, primarily dating from his fifty years as a judge on the United States District Court for the Southern District of New York and United States Court of Appeals for the Second Circuit. Some highlights of the collection include rulings and case files from precedent-setting cases, Feinberg's committee work drafting the 1995 Long Range Plan for the Federal Courts, and a detailed oral history. |

**Preferred Citation**

Identification of specific item; Date (if known); Wilfred Feinberg Papers, 1936-2011; Box and Folder; Rare Book and Manuscript Library, Columbia University Library.

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## Biographical Note

Wilfred Feinberg was born on June 22, 1920 in New York City. His family soon moved to Mount Vernon, NY, where he has remained for much of his life. After graduating from high school, Feinberg attended Columbia College (class of 1940) and enrolled in Columbia Law School before enlisting in the Army during World War II.

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## Biographical Note

During his three years of service in the Signal Corps, Feinberg wrote for *Yank* magazine and a Signal Corps newsletter, and later wrote a (never published) novel based on his wartime experiences. He reenrolled at Columbia Law School after his Army service and served as editor-in-chief of the *Columbia Law Review*. Upon graduation in 1946, Feinberg married Shirley Marcus and moved to Philadelphia to clerk for District Judge James P. McGranery, in the Eastern District of Pennsylvania.

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## Biographical Note

In 1949, after his clerkship, Feinberg returned with his family to New York and joined the firm Kaye Scholer as an associate. After four years, he was offered a junior partner position at McGoldrick, Dannett, Horowitz and Golub, a smaller firm with Columbia Law School connections. Feinberg and his wife became involved in Westchester Democratic politics, leading to his 1958 appointment by Governor W. Averell Harriman as Deputy Superintendent of Banks. As Deputy Superintendent, Feinberg was responsible for regulating union welfare and retail installment credit. After Harriman was defeated by Nelson Rockefeller, Feinberg returned to private practice at McGoldrick, where he remained until his appointment as District Judge in 1961.

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## Biographical Note

In October 1961, Feinberg received a recess appointment from President Kennedy to the United States District Court for the Southern District of New York. He was officially confirmed in March 1962. One of Feinberg's first experiences on the bench was with the electrical equipment antitrust cases, which were thousands of private suits that were filed after a 1961 grand jury indictment in Philadelphia against equipment manufacturers for price-fixing. The Co-Ordinating Committee for Multiple Litigation, formed by Chief Justice Earl Warren, was formed to unify the pre-trial process and SDNY Chief Judge Sylvester Ryan was appointed to

the committee. Ryan, in turn, asked Feinberg to attend the meetings as his proxy, and Feinberg became deeply involved in the procedural aspects of multidistrict litigation.

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## Biographical Note

His work on judicial procedural improvements continued when Chief Justice Warren appointed him to the Advisory Committee on Federal Rules of Civil Procedure in 1965. It was Feinberg's first official involvement in judicial administration, and throughout his career he remained active in issues of judicial administration and procedure, most notably on the Advisory Council for Appellate Justice (1970-1975) and the Long Range Planning Committee (1991-1995), both under the aegis of the Judicial Conference of the United States.

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## Biographical Note

In 1966, President Johnson nominated Feinberg to a seat on the United States Court of Appeals for the Second Circuit, and he became one of the youngest judges on the Court of Appeals. As junior judge, Feinberg was responsible for many of the administrative tasks that would become the job of the Circuit Executive upon the position's creation in 1971. He remained interested in court administration, and wrote numerous articles and speeches on the subject.

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## Biographical Note

Feinberg was Chief Judge of the Second Circuit from 1980 through 1988. He assumed senior status in 1991 but remained active on the bench and on a number of judicial committees until his retirement in 2011. In his career on the bench, Feinberg wrote over 1000 opinions. Citations for some of the historically and legally important cases can be found in the notes to Subseries II.2 and Subseries III.2, along with very brief summaries.

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## Biographical Note

Feinberg was an active presence in the Alumni Associations of both Columbia College and Columbia Law School, and includes among his former clerks countless Columbia Law School alumni, including Columbia University President Lee Bollinger. Judge Feinberg retired from the bench in 2011 after fifty years of service. He lives with Shirley in Mount Vernon, New York.

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## Biographical Note

Sources:

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## Biographical Note

Federal Judicial Center, History of the Federal Judiciary. "Wilfred Feinberg."*Biographical Directory of Federal Judges.*

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## Biographical Note

Interviews of Wilfred Feinberg by Jeffrey Morris, 1996-1997.

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## Biographical Note

Rosenberg, Maurice. "Chief Judge Wilfred Feinberg: A Twenty-Fifth Year Tribute. *Columbia Law Review* 86 (1986): 1505-1514.

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## Summary

The Wilfred Feinberg papers consist of over 200 linear feet of material, primarily dating from his fifty years as a judge on the United States District Court for the Southern District of New York and United States Court of Appeals for the Second Circuit. Some highlights of the collection include rulings and case files from precedent-setting cases, Feinberg's committee work drafting the 1995 Long Range Plan for the Federal Courts, and a detailed oral history.

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## Arrangement

This collection is arranged in nine series.

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## Administrative Information

### Publication Statement

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### Revision Description

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### Immediate Source of Acquisition

2011-2012-M025: Source of acquisition--Wilfred Feinberg. Method of acquisition--Gift; Date of acquisition--09/23/2011.

### Processing Information

Papers processed by Caitlin Goodman in 2012.

### Processing Information

Finding aid written by Caitlin Goodman in 12/2012.

### Processing Information

Collection is processed to folder level.

### Accruals

Materials may have been added to the collection since this finding aid was prepared. Contact rbml@columbia.edu for more information.

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## Related Materials

### Selected Related Material at Other Repositories

Henry Jacob Friendly Papers, Harvard Law School Library, Harvard University.

### Selected Related Material at Other Repositories

Irving R. Kaufman Papers, Manuscript Division, Library of Congress.

### Selected Related Material at Other Repositories

Papers of the Honorable Judge James L. Oakes, Julien and Virginia Cornell Library, Vermont Law School.

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## Controlled Access Headings

- Appellate courts
- Appellate procedure -- United States
- Court administration
- Court calendars
- Court records
- Law -- History
- Audiocassettes
- Clippings (Information Artifacts)
- Correspondence
- Oral history
- Photographs
- Judges
- Altimari, Frank X (Frank Xavier), 1928-1998
- Anderson, Robert Palmer, 1906-1978
- Burger, Warren E., 1907-1995
- Cabranes, José A
- Calabresi, Guido, 1932-
- Cardamone, Richard J., 1925-2015
- Frankel, Marvin E., 1920-
- Friendly, Henry J
- Gurfein, Murray
- Hays, Paul R (Paul Raymond), 1903-1980

- Jacobs, Dennis G., 1944-
- Katzmann, Robert A
- Kaufman, Irving R (Irving Robert), 1910-1992
- Kearse, Amalya
- Lumbard, J. Edward (Joseph Edward), 1901-1999
- Leval, Pierre N (Pierre Nelson), 1936-
- Mahoney, John Daniel
- Mansfield, Walter Roe, 1911-1987
- McLaughlin, Joseph M.
- Medina, Harold R (Harold Raymond), 1888-1990
- Meskill, Thomas J., 1928-2007
- Miner, Roger J
- Moore, Leonard P
- Mulligan, William Hughes, 1918-1996
- Newman, Jon O (Jon Ormond)
- Oakes, James L (James Lowell), 1924-
- Parker, Barrington D (Barrington Daniels), 1944-
- Parker, Fred I (Fred Irving), 1938-
- Pierce, Lawrence W (Lawrence Warren), 1924-
- Pooler, Rosemary S (Rosemary Shankman), 1938-
- Pratt, George C (George Cheny), 1928-
- Raggi, Reena, 1951-
- Rehnquist, William H., 1924-2005
- Rosenberg, Maurice, 1919-1995
- Sack, Robert D
- Smith, John Joseph
- Sotomayor, Sonia, 1954-
- Straub, Chester John, 1937-
- Timbers, William Homer
- Van Graafeiland, Ellsworth
- Walker, John M., 1940-
- Warren, Earl, 1891-1974
- Waterman, Sterry
- Winter, Ralph K., 1935-
- Alumni Federation of Columbia University
- Columbia Law School Alumni Association
- Columbia University
- Columbia University. School of Law
- Federal Judicial Center
- Judicial Conference of the United States
- Judicial Conference of the United States. Committee on Long Range Planning
- United States. Court of Appeals (2nd Circuit)
- United States. District Court (New York : Southern District)
- United States. Supreme Court

# Collection Inventory

## Series I: Private Practice, 1948-1963

### Scope and Contents

Prior to Feinberg's appointment as a federal judge in 1961, he was an attorney in private practice in New York. This series includes his official bar admissions; case files, office memoranda, and pleadings from both firms where he worked; and the substantive files of pleadings and research related to the Hudson and Manhattan Railroad Company bankruptcy and reorganization. Within each file, materials are arranged by date.

| Title/Description | Instances |
|---|---|
| Bar Associations and Admissions, 1948-1961<br>Physical Description: (5 folders) | box 1 |
| Case Files: Memoranda and Briefs, 1950-1961<br>Physical Description: (11 volumes) | box 2-3 |
| Memoranda of Law, 1956-1961<br>Physical Description: (3 folders) | box 1 |
| Hudson and Manhattan Railroad Company Reorganization, 1949-1963 | |
| Memoranda of Law, 1949-1961<br>Physical Description: (3 volumes) | box 3 |
| Allowance Petitions and Application Material, 1955-1961<br>Physical Description: (6 folders) | box 1 |
| Hudson and Manhattan Railroad Company v. Stichman, 229 F. (2d) 816,, 1955-1956<br>Physical Description: (1 volume) | box 3 |
| Memoranda and Briefs, 1955-1959<br>Physical Description: (4 volumes) | box 3-4 |
| Unbound Pleadings, 1959-1963<br>Physical Description: (3 folders) | box 1 |
| Plan of Reorganization and Related Documents, 1955-1962<br>Physical Description: (1 folder) | box 4 |
| Record of Reorganization Proceedings of Hudson and Manhattan Railroad Company,, 1955-1962<br>Physical Description: (8 volumes) | box 4-5 |

**Scope and Contents**

(includes 7 record volumes and an index)

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## Series II: United States District Court for the Southern District of New York, 1961-1966

**Scope and Contents**

This series consists of records from Feinberg's service as a district judge, before being elevated to the Second Circuit in 1966. Materials relating to his recess nomination in 1961 and official confirmation in 1962, including correspondence and photographs, are represented. One of his most notable contributions as a district judge was on the electrical equipment antitrust cases, which make up a sizable portion of the series. Also included are the court's sitting schedules and trial calendars, Feinberg's chamber case files, draft and pattern jury charges, motions heard, and rulings. This series is divided into seven subseries.

## Subseries II.1: Calendars Reassigned After Court of Appeals Appointment,, 1966

**Scope and Contents**

In preparation for his departure from the district court, Feinberg wrote notes and case conference summaries for the district judges scheduled to replace him on ongoing cases. This subseries also includes copies of scheduling calendars, and is arranged by date.

| Title/Description | Instances |
|---|---|
| Part I Calendars, 1966<br>Physical Description: (14 folders) | box 1 |
| Trial Assignment Summaries, 1966<br>Physical Description: (1 folder) | box 6 |

## Subseries II.2: Case Files, 1961-1966

**Scope and Contents**

Each case consists of a folder (or folders) and includes some combination of pre-trial and research notes, amicus curiae from interested agencies and parties, clippings related to the case, correspondence from the parties and the public, inter-judge memoranda, legal precedent research, opinions (both draft and published), other court pleadings, and pre-trial and trial transcripts. Two of Feinberg's noteworthy cases include*Davis v. E.I. DuPont de Nemours and Company*249 F.Supp. 329 (SDNY 1966) and *Zippo Manufacturing Co. v. Rogers Imports, Inc.*216 F.Supp. 670 (SDNY 1963). *Zippo Manufacturing*dealt with a question of copyright infringement, but its enduring relevance has to do with Feinberg's decision that consumer surveys are admissible as evidence. *Davis v DuPont*is another copyright infringement case regarding a 1960 telecast of *Ethan Frome*.

**Arrangement**

The bound docket books are chronological, and include an alphabetical index and a brief summary of each case and its final dispensation. Feinberg kept his district case files separated into civil and

criminal arrangements, and arranged alphabetically by plaintiff name. His original order has been maintained.

| Title/Description | Instances |
|---|---|
| Civil, 1961-1966<br>Physical Description: (102 folders) | box 6-7 |
| Criminal, 1961-1966<br>Physical Description: (26 folders) | box 7-8 |
| Docket Books, 1961-1966<br>Physical Description: (2 volumes) | box 5 |

## Subseries II.3: Electrical Cases, 1962-1966

**Scope and Contents**

The electrical equipment antitrust cases of the 1960s prompted major developments in judicial policy for complex multidistrict litigation. Grand jury indictments against electrical equipment manufacturers led to criminal convictions for price-fixing in 1961, which prompted more than 2000 private antitrust suits in 35 districts. In response, the Judicial Conference created the nine-member Co-Ordinating Committee for Multiple Litigation, and Feinberg assisted fellow SDNY District Judge Sylvester Ryan with the committee. It was a multiyear administrative undertaking, and this subseries includes substantial correspondence, research material and committee discussions and memoranda, as well as a record of the sizable pleadings and complex scheduling overseen by the Co-Ordinating Committee.

| Title/Description | Instances |
|---|---|
| Correspondence, 1962-1966<br>Physical Description: (8 folders) | box 11-12 |
| Co-Ordinating Committee for Multiple Litigation, 1963-1966 | |
| Analyses, 1964-1965<br>Physical Description: (6 folders) | box 12 |
| Non-Priority Lines, 1965<br>Physical Description: (3 folders) | box 12 |
| Other Court Rulings, 1963-1965<br>Physical Description: (8 folders) | box 12-13 |
| Research Material, 1963-1966<br>Physical Description: (6 folders) | box 13 |
| Scheduling, 1964-1965<br>Physical Description: (1 folder) | box 13 |
| Transfers, 1964-1966<br>Physical Description: (9 folders) | box 13 |
| Depositions, 1962-1965 | box 14 |

Physical Description: (28 folders)

| | |
|---|---|
| Interrogatories, 1962-1964<br>Physical Description: (12 folders) | box 14-15 |
| Local, 1962-1966 | |
| General, 1964-1965<br>Physical Description: (4 folders) | box 15 |
| Correspondence, 1964-1966<br>Physical Description: (2 folders) | box 15 |
| Condenser Cases, 1965-1966<br>Physical Description: (1 folder) | box 15 |
| Depositions, 1964<br>Physical Description: (4 folders) | box 15 |
| Interrogatories, 1964-1965<br>Physical Description: (2 folders) | box 15 |
| Pleadings, 1962-1965 | |
| Complaint, 1962<br>Physical Description: (1 folder) | box 15 |
| Briefs and Memoranda, 1964-1965<br>Physical Description: (6 folders) | box 15 |
| Requests to Admit, 1963-1965<br>Physical Description: (4 folders) | box 15-16 |
| Rule 34 Motion, 1964-1965<br>Physical Description: (2 folders) | box 16 |
| Pre-Trial Orders, 1963-1966<br>Physical Description: (23 folders) | box 16 |
| Stipulations, 1964-1965<br>Physical Description: (1 folder) | box 16 |
| Jury Charges, 1964<br>Physical Description: (2 folders) | box 16 |
| Trial Notes, 1965<br>Physical Description: (3 folders) | box 16 |
| Opinion, 1965<br>Physical Description: (1 folder) | box 16 |
| Philadelphia Trial Summaries, 1964-1966 | box 17 |

| | |
|---|---|
| Physical Description: (59 folders) | |
| Pleadings, 1961-1965 | |
| Complaints, 1961-1962<br>Physical Description: (2 folder) | box 17 |
| Motion #1, 1962<br>Physical Description: (5 folders) | box 17 |
| Motion #2, 1962<br>Physical Description: (4 folders) | box 18 |
| Motion #3, 1962<br>Physical Description: (3 folders) | box 18 |
| Defendants' Rule 34 Motion, 1963<br>Physical Description: (1 folder) | box 18 |
| Plaintiffs' Rule 34 Motion, 1963<br>Physical Description: (3 folders) | box 18 |
| Privilege, 1963<br>Physical Description: (1 folder) | box 18 |
| Indirect Purchases, 1965<br>Physical Description: (1 folder) | box 18 |
| Pre-Trial Orders, 1962-1965<br>Physical Description: (100 folders) | box 18-20 |
| Settlement, 1963-1965<br>Physical Description: (1 folder) | box 20 |

## Subseries II.4: Judicial Appointment, 1961-1962

**Scope and Contents**

This subseries relates to Feinberg's October 1961 recess appointment by President Kennedy and his formal nomination and Senate confirmation the following spring. Materials include clippings, letters of congratulations, photographs, and programs. Each file is arranged chronologically.

| Title/Description | Instances |
|---|---|
| Clippings and Programs, 1961-1962<br>Physical Description: (1 folder) | box 8 |
| Correspondence, 1961-1962 | |
| General, 1961-1962<br>Physical Description: (1 folder) | box 8 |
| Letters of Congratulations and Acknowledgement, 1961 | box 8 |

| | |
|---|---|
| Physical Description: (3 folders) | |
| Letters of Reference, 1961<br>Physical Description: (2 folders) | box 8 |
| Photographs, 1961<br>Physical Description: (1 folder) | box 8 |

## Subseries II.5: Jury Charges, 1961-1966

**Scope and Contents**

Jury charges are the instructions a judge delivers to a jury prior to deliberation regarding the questions of fact at issue. This subseries is divided into civil and criminal jury charges and includes both official New York Pattern Jury Instructions and Feinberg's drafts of case-specific jury instructions. Materials are arranged alphabetically by charge.

| Title/Description | Instances |
|---|---|
| Civil, 1961-1966<br>Physical Description: (61 folders) | box 8-9 |
| Criminal, 1961-1966<br>Physical Description: (43 folders) | box 9 |

## Subseries II.6: Motions, 1961-1965

**Scope and Contents**

Motions ruled on by Feinberg are divided by type and filed chronologically by court term. This subseries also includes court calendars and hearing schedules.

| Title/Description | Instances |
|---|---|
| Calendars for Noticed Motions, 1962-1965<br>Physical Description: (2 folders) | box 224 |
| Civil, 1961-1965<br>Physical Description: (12 folders) | box 10-11 |
| Criminal, 1962-1964<br>Physical Description: (6 folders) | box 11 |
| Reduction of Sentence, 1964<br>Physical Description: (1 folder) | box 11 |
| Referred to Pre-Trial Examiners, 1965<br>Physical Description: (1 folder) | box 11 |

## Subseries II.7: Opinions, 1961-1966

**Scope and Contents**

This subseries includes final versions of all filed legal memoranda and opinions written by Feinberg. The subseries begins with an alphabetical index by case citation. The opinions and memoranda are filed chronologically by court term.

| Title/Description | Instances |
|---|---|
| Alphabetical Index to Memoranda and Opinions, 1966<br>Physical Description: (1 folder) | box 9 |
| Memoranda and Opinions, 1961-1966<br>Physical Description: (18 folders) | box 9-10 |

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## Series III: United States Court of Appeals for the Second Circuit, 1955-2011

**Scope and Contents**

This series is the largest in the collection, comprising more than half of the Feinberg material. The heart of this series is his case files, which include a number of precedent-setting and noteworthy rulings. A list of cases of particular interest can be found in the note to Subseries III.2.

**Biographical / Historical**

Feinberg served on the Second Circuit from 1966 through 2011, one of the longest tenures in circuit history, including a term as Chief Judge from 1980 through 1988. He took senior status (a form of semi-retirement) in 1991 and maintained an active hearing schedule until his retirement in 2011.

## Subseries III.1: Administrative Materials, 1961-2011

**Scope and Contents**

This subseries consists of records relating to the administrative functioning of the Second Circuit. Much of the material dates from Feinberg's tenure as Chief Judge (1980-1988), a position with significant administrative responsibility and chairmanship of the Circuit Judicial Council. Administrative reports and memoranda were written and received throughout Feinberg's tenure on the court, however.

**Scope and Contents**

The subseries is divided alphabetically by subject and includes 17 files. Official reports from the Administrative Office of the U.S. Courts (the administrative agency for the federal judiciary as a whole) and the Circuit Court Executive (the administrator responsible for the Second Circuit) make up the bulk of this subseries. Materials in this subseries include administrative notices, budget reports, calendars, clippings, inter-judge memoranda on a wide variety of subjects, meeting minutes, records of disciplinary proceedings and disqualifications, statistics, and visiting judge appointments.

**Scope and Contents**

Also present are programs and correspondence related to official court ceremonies, including memorials, inductions, and retirements. Judges' salaries were an ongoing concern throughout the judiciary, with judges occasionally returning to private practice in order to secure greater compensation, and the correspondence and clippings related to this issue is valuable. Vacancies on the

district level are a frequent concern, and senior judges were particularly valuable for their availability to sit as visiting judges on the Circuit's district courts, as well as other circuits.

**Arrangement**

Within each subject, materials are arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Administrative Office, 1981-2008<br>Physical Description: (27 folders)<br>**Scope and Contents**<br>(The Administrative Office of the U.S. Courts is the central supporting service to the federal judiciary. Although responsible for all district and circuit courts, as well as the Supreme Court, the Administrative Office includes a large staff that produce both general reports on judicial functions as well as more Circuit-specific materials.) | box 131-132 |
| Budget, 1966-2007<br>Physical Description: (14 folders) | box 133 |
| Ceremonies and Memorials, 1961-2009<br>Physical Description: (50 folders) | box 133-136 |
| Chief Judges, 1972-2010<br>Physical Description: (6 folders) | box 136 |
| Circuit Court Executive, 1970-2007<br>Physical Description: (12 folders) | box 136 |
| Civil Appeals Management Plan, 1974-2001<br>Physical Description: (16 folders)<br>**Scope and Contents**<br>(The Civil Appeals Management Plan (CAMP) was begun in the Second Circuit in 1974 to speed the appellate process of selected cases through pre-argument settlement conferences. It has now spread to all of the Circuit Courts.) | box 137 |
| Clerk's Office, 1971-2008<br>Physical Description: (38 folders) | box 137-139 |
| Courtroom and Facilities, 1966-2009<br>Physical Description: (30 folders) | box 139-140 |
| Disqualifications and Recusals, 1966-2009<br>Physical Description: (6 folders) | box 140 |
| Personnel, 1971-2010 | box 141 |

| | |
|---|---|
| Physical Description: (14 folders) | |
| Records and Information Management, 1979-2006<br>Physical Description: (10 folders) | box 141-142 |
| Removal and Discipline of Judges, 1972-2010<br>Physical Description: (65 folders) | box 142-145, 220 |
| Salaries, 1972-2009<br>Physical Description: (38 folders) | box 145-147 |
| Senior Judges, 1970-2011<br>Physical Description: (22 folders) | box 147-148 |
| Statistics, 1966-2011<br>Physical Description: (55 folders) | box 148-150 |
| Vacancies and Judgeships, 1971-2005<br>Physical Description: (17 folders) | box 151 |
| Visiting Judges and Intercircuit Appointments, 1974-2008<br>Physical Description: (24 folders) | box 151-153 |

## Subseries III.2: Case Files, 1966-2011

**Scope and Contents**

This subseries makes up the bulk of the collection, consisting of more than seventy-five record cartons. Feinberg's chambers case files vary in size and detail, but include some combination of the following: annotations, copies of the decision or offprints from the*Federal Reporter*, drafts of opinions and rulings, motions filed in the case, inter-judge and inter-court case-related memoranda, newsclippings, notes, relevant district court rulings, and research material.

Regular Argument Calendar files are foldered alphabetically by appellant last name. There are three boxes of Non-Argument Calendar files (a separate calendar exclusively for petitions for review of a denial of asylum), arranged chronologically by review panel week, maintaining Feinberg's original order. Docket sheets include an alphabetical index, a brief summary of each of Feinberg's cases, and their final dispensation. From 1965 through 1984 the docket sheets were bound volumes, subsequently they are foldered chronologically.

Some noteworthy cases, as highlighted by Feinberg in his oral history in Subseries IX.4 are listed below, with a very brief summary. The final two parts of the oral history discuss these cases, and a few dozen more, in much greater detail. More extensive lists of noteworthy rulings can be found in Subseries IX.1. Unless otherwise noted, Feinberg wrote the majority opinion:

--*United States v. Miller*367 F.2d 72 (2d. Cir. 1966), which held that the prosecution of a protestor who burned his draft card to show his opposition to the Vietnam War was indeed constitutional.

--*Torrington Co. v. Metal Products Workers Union Local*1645 362 F.2d 677 (2d Cir. 1966), a labor arbitration case where the district decision against the union was upheld 2-1. Feinberg's first dissent.

--*J.P. Stevens & Co. v. National Labor Relations Board*380 F.2d 292 (2d Cir. 1967), the first of a series of cases against J.P. Stevens for violating national labor law. The case inspired the 1979 movie *Norma Rae*.

--*Kelly v. Wyman*294 F.Supp. 893 (SDNY 1968), Feinberg was the Circuit Judge on this three-judge court and ruled that welfare recipients were entitled to a hearing before any of their benefits could be terminated. Feinberg's opinion was upheld by the Supreme Court in *Goldberg v. Kelly*397 U.S. 254 (1970) and the decision is considered a landmark in the welfare rights movement.

--*Goetz v. Ansell*477 F.2d 636 (2d. Cir. 1973), upholding a high school student's right to refuse to participate in the Pledge of Allegiance.

--*In the Matter of Andros Compania Maritima*579 F.2d 691 (2d Cir. 1978), a frequently-cited arbitration case that limits when courts can interfere with arbitrators.

| Title/Description | Instances |
|---|---|
| A1966-2011<br>Physical Description: (335 folders) | box 21-23 |
| Applewhite-Bacon, 1966-2011 | box 24 |
| Badalamenti-Batchelor, 1966-2011 | box 25 |
| Bateman-Best, 1966-2011 | box 26 |
| Betanzos-Bones, 1966-2011 | box 27 |
| Bonilla-Breland, 1966-2011 | box 28 |
| Brendan Reilly-Bunkley, 1966-2011 | box 29 |
| Burbank-Cameron | box 30 |
| C1966-2011<br>Physical Description: (556 folders) | box 30-36 |
| D1966-2011<br>Physical Description: (305 folders) | box 36-39 |
| E1966-2011<br>Physical Description: (124 folders) | box 40-41 |
| F1966-2011<br>Physical Description: (258 folders) | box 41-44 |
| Fung-Gerber, 1966-2011 | box 44 |
| Geren-Golub, 1966-2011 | box 45 |
| Gomez-Graziano, 1966-2011 | box 46 |
| Great-Gunton, 1966-2011 | box 47 |
| Guo-Harris, 1966-2011 | box 48 |
| H1966-2010<br>Physical Description: (278 folders) | box 48-51 |
| I1966-2011 | box 51-52 |

| | |
|---|---|
| Physical Description: (98 folders) | |
| J1966-2011<br>Physical Description: (151 folders) | box 52-54 |
| K1967-2011<br>Physical Description: (213 folders) | box 54-56 |
| L1966-2011<br>Physical Description: (313 folders) | box 56-60 |
| Ludovicy-MacFarlane, 1966-2011 | box 60 |
| Mamamradlo-Matera, 1966-2011 | box 61 |
| Matican-McMahon, 1966-2011 | box 62 |
| McMillan-Metro Kane, 1966-2011 | box 63 |
| Meyer - Moloney, 1966-2011 | box 64 |
| Monhaghan-Mulvaney, 1966-2011 | box 65 |
| Mumley-Nevitt, 1966-2011 | box 66 |
| N1966-2010<br>Physical Description: (184 folders) | box 66-68 |
| O1966-2011<br>Physical Description: (126 folders) | box 68-69 |
| P1966-2011<br>Physical Description: (311 folders) | box 69-73 |
| Q1966-2006<br>Physical Description: (13 folders) | box 73 |
| R1966-2011<br>Physical Description: (373 folders) | box 73-77 |
| S1966-2011<br>Physical Description: (567 folders) | box 77-84 |
| T1966-2009<br>Physical Description: (210 folders) | box 84-86 |
| U1966-2010<br>Physical Description: (47 folders) | box 86-87 |
| V1966-2011<br>Physical Description: (85 folders) | box 87-88 |
| Viana-Wasik, 1966-2011 | box 88 |
| Water-Whittaker, 1966-2011 | box 89 |

| | |
|---|---|
| Wickham-Woodling, 1966-2011 | box 90 |
| W cont., 1966-2010 | box 91 |
| X2005-2006<br>Physical Description: (1 folder) | box 91 |
| Y1967-2011<br>Physical Description: (37 folders) | box 91 |
| Z1968-2010<br>Physical Description: (42 folders) | box 91<br>box 92 |
| Non-Argument Calendar, 2005-2010<br>Physical Description: (76 folders)<br>**Scope and Contents**<br>(The Non-Argument Calendar was implemented by the Second Circuit in fall 2005 to handle petitions for review of a denial of asylum. Created to lessen the backlog of asylum petitions, it exists outside the normal sitting schedules of the Regular Argument Calendar. Judge Feinberg kept his NAC case files separate and arranged chronologically by panel week, not citation. This arrangement has been maintained, and includes some policy correspondence regarding NAC generally.) | box 92-95 |
| Docket Sheets, 1965-2011 (61 folders, 22 volumes), 1965-2011<br>**Scope and Contents**<br>(Bound volumes of docket sheets for 1965-1984 are in boxes 117-119, foldered docket sheets for 1985-2011 are filed chronologically in boxes 114-117) | box 114-119 |

## Subseries III.3: En Banc Files, 1966-2011

**Scope and Contents**

En banc cases require a majority vote of the judges in favor of hearing an appeal before the full court, instead of the traditional three judge panel. Although en banc power was granted to the appellate courts in 1948, each circuit court has its own traditions and rules governing en banc procedures. The Second Circuit has been one of the most hesitant to hear a case en banc, so this subseries is substantially smaller than the Subseries III.2, and it has been arranged and described separately to preserve Feinberg's original order. Noteworthy case files include:

--*Sostre v. McGinnis*442 F.2d 178 (2d Cir. 1971), an en banc hearing to determine the extent (and any violation) of federal constitutional rights of state prisoners. Feinberg wrote a partial dissent in which he argued that there must be a definite limit to solitary confinement, and that Sostre's extended "punitive segregation" violated the Eighth Amendment.

--*New York Times Company v. United States*44 F.2d 544 (2d Cir. 1971), the Pentagon Papers case. The ruling itself was not especially noteworthy: with Feinberg and two other judges dissenting, the Second Circuit en banc affirmed the Nixon Administration's restraining order against the continued publication of the Papers. After an emergency appeal by the *Times*to the Supreme Court, the Second Circuit's ruling was reversed four days later.

In addition to cases that were approved and heard en banc, this subseries includes discussions of en banc protocol and judges' poll responses to petitions for review and hearing en banc.

| Title/Description | Instances |
|---|---|
| Case Files, 1966-2011<br>Physical Description: (192 folders) | box 96-103 |
| Petitions for Rehearing and Poll Requests, 1968-2005<br>Physical Description: (60 folders) | box 103-106 |
| Protocols, 1968-2010<br>Physical Description: (14 folders) | box 106 |

## Subseries III.4: Judges' Meetings, 1955-2011

### Scope and Contents

This subseries includes agendas, correspondence, minutes, and programs from a number of formal and informal groups of the judges of the Second Circuit.

### Biographical / Historical

Open to all judges, the Circuit Court Agenda Luncheons were an informal judicial journal club, the quarterly Court Meetings served a more official administrative purpose, and the annual court retreats combined administrative business and social time for the judges. The Judicial Conference of the Second Judicial Circuit is the largest of the circuit meetings, a formal annual meeting that includes all of the appellate judges of the Second Circuit, as well as administrators and the district, bankruptcy, and magistrate judges within the Second Circuit. The Judicial Council of the Second Circuit is the official governing body of the circuit, comprised of the Chief Judge, a panel of appellate judges, and a representative from each of the district courts.

### Arrangement

Within the subseries, each file's folders are arranged reverse-chronologically to maintain Feinberg's original order.

| Title/Description | Instances |
|---|---|
| Circuit Court Agenda Luncheons, 2003-2005<br>Physical Description: (1 folder) | box 127 |
| Court Meetings, 1981-2011 | |
| Agendas, 1997-2011<br>Physical Description: (54 folders) | box 127 |
| Correspondence and Meeting Minutes, 1981-2008 | box 128 |

| | |
|---|---|
| Physical Description: (10 folders) | |
| Court Retreats, 1998-2006<br>Physical Description: (7 folders) | box 128 |
| Judicial Conference of the Second Judicial Circuit, 1955-2011 | |
| Conference Programs, 1955-2002<br>Physical Description: (8 folders) | box 128-129 |
| Correspondence and Memoranda, 1992-2011<br>Physical Description: (9 folders) | box 129 |
| Judicial Circuit Council, 1966-2005 | |
| Correspondence and Memoranda, 1966-1996<br>Physical Description: (7 folders) | box 129 |
| District Court Administration, 1970-2005<br>Physical Description: (19 folders) | box 130 |
| Meeting Minutes and Agendas, 1966-1996<br>Physical Description: (15 folders) | box 131 |

## Subseries III.5: Motions, 1993-2011

**Scope and Contents**

Motions ruled on by Feinberg are divided by type and filed reverse-chronologically by calendar week. Materials do not always include the motion itself, but each motion folder includes any recommendations submitted by the Staff Attorneys' Office, inter-judge memoranda, and copies of filed orders.

| Title/Description | Instances |
|---|---|
| Anders Motions, 1999-2010<br>Physical Description: (23 folders) | box 106-107 |
| Pro Se Motions, 1994-2011<br>Physical Description: (68 folders) | box 107-110 |
| Substantive Motions, 1993-2011<br>Physical Description: (91 folders) | box 110-113 |
| Successive Petitions, 1999-2011<br>Physical Description: (42 folders) | box 113-114 |

## Subseries III.6: Opinions, 1965-2009

**Scope and Contents**

Although this subseries deals with Feinberg's opinions, it includes very few reprints or drafts of his published opinions. Materials include administrative files regarding opinion composition, limited memoranda regarding opinion protocol, statistics of both Feinberg's opinions and the rulings of the

Court as a whole, and drafts of his unpublished opinions. Also included in this subseries are lists of Feinberg's significant opinions, as suggested by his law clerks. Further lists of noteworthy rulings can be found in Subseries IX.1, and discussions of them can be found in his oral history in Subseries IX.4.

**Arrangement**

Materials are arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Correspondence, 1983-2002<br>Physical Description: (1 folder) | box 119 |
| Significant Opinions, 1972-1995<br>Physical Description: (1 folder) | box 119 |
| Statistics, 1965-2009 | |
| Career Statistics, 1965-2004<br>Physical Description: (1 folder) | box 119 |
| Opinion Citation Lists by Term, 1965-2009<br>Physical Description: (2 folders) | box 119 |
| Opinions Not Filed 60 Days After Argument, 1986-2001<br>Physical Description: (5 folders) | box 119 |
| Three Judge Court, 1966-1988<br>Physical Description: (7 folders) | box 120 |
| Unpublished Memoranda and Opinions, 1970-2008<br>Physical Description: (4 folders) | box 120 |

## Subseries III.7: Pro Se, 1966-2008

**Scope and Contents**

This subseries includes materials relating to those litigants who represented (or wished to represent) themselves without an attorney. Pro Se hearings were held on a separate calendar and administered by the Pro Se Clerk. Records include correspondence, memoranda, reports, scheduling, and statistics from the Clerk's office, as well as pro se applications and litigant correspondence misdirected to Judge Feinberg's chambers instead of the Clerk of Court.

**Arrangement**

Materials are filed reverse-chronologically except for Litigant Correspondence, which is filed alphabetically by correspondent name.

| Title/Description | Instances |
|---|---|
| Appointment of Counsel and Schedules, 1970-2000<br>Physical Description: (3 folders) | box 120 |
| Litigant Correspondence, 1979-2004<br>Physical Description: (33 folders) | box 120-122 |

**Scope and Contents**

(Arranged alphabetically by litigant surname)

| | |
|---|---|
| Pro Se Clerk, 1966-2003<br>Physical Description: (5 folders) | box 122 |
| Statistics, 1985-2008<br>Physical Description: (3 folders) | box 122 |

## Subseries III.8: Second Circuit Appointment, 1965-1966

**Scope and Contents**

This subseries includes official correspondence related to Judge Feinberg's nomination to the Court of Appeals, congratulations from Feinberg's friends and colleagues, and induction programs from the ceremony. Materials are arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Nomination, 1965-1967<br>Physical Description: (1 folder) | box 122 |
| Congratulations and Acknowledgements, 1965-1966<br>Physical Description: (3 folders) | box 122 |
| Induction Programs, 1966<br>Physical Description: (1 folder) | box 122 |

## Subseries III.9: Sitting Schedules and Calendars, 1966-2011

**Scope and Contents**

The bulk of materials relating to the court calendar and scheduling is in this subseries and includes calendars, memoranda, minutes, procedural and protocol information, reports and statistics. Calendars include information for weeks where Feinberg was not sitting. Each file is arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Assignments, 1966-2010<br>Physical Description: (10 folders) | box 122-123 |
| Calendaring Memoranda, 1981-2009<br>Physical Description: (6 folders) | box 123 |
| Disposition of Cases Heard, 1985-2011<br>Physical Description: (88 folders) | box 123-124 |
| Panel Minutes and Reports, 1984-2002<br>Physical Description: (34 folders) | box 124-126 |
| Pending Cases Ready for Argument, 2001-2006 | box 126 |

Physical Description: (6 folders)

| | |
|---|---|
| Weekly Calendars, 1966-2002<br>Physical Description: (20 folders) | box 126 |

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## Series IV: Subject Files, 1961-2010

**Scope and Contents**

This series consists of topical material related to the functioning of the court, the court's official rules, and Feinberg's research files. It includes materials from both his district court service and his time on the appellate bench. This series includes four subseries: General; Advisory Committee Service; Points of Law; and Rules of Practice and Procedure.

## Subseries IV.1: General, 1962-2010

**Scope and Contents**

This subseries includes subject files related to the court's functioning. The bulk of the materials are memoranda between the judges and the Clerk and Circuit Executive, as well as reports and statistics. There are thirteen topical files in this subseries, and material within each file is arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Attorney Grievance Committee, 1979-2009<br>Physical Description: (9 folders) | box 173 |
| Bankruptcy, 1973-2008<br>Physical Description: (27 folders) | box 173-175 |
| Committee Reports, 1964-2008<br>Physical Description: (12 folders)<br>**Scope and Contents**<br>(Includes assorted correspondence and reports from minor committees and commissions with which Judge Feinberg was associated) | box 220-221 |
| Congressional Judiciary Committees, 1962-1999<br>Physical Description: (10 folders) | box 175 |
| Criminal Justice Act, 1984-2007<br>Physical Description: (10 folders) | box 175-176 |
| Judicial Ethics, 1969-2010<br>Physical Description: (6 folders) | box 176 |
| Juries, 1963-1989 | box 176 |

| | |
|---|---|
| Physical Description: (7 folders) | |
| Law Clerks, 1974-2010<br>Physical Description: (30 folders) | box 176-178 |
| Magistrates, 1968-2000<br>Physical Description: (6 folders) | box 178 |
| Sentencing, 1973-2008<br>Physical Description: (13 folders) | box 178-179 |
| Significant Issues in Cases Heard, 1990-2010<br>Physical Description: (21 folders) | box 179-180 |
| Speedy Trial Act, 1970-1987<br>Physical Description: (9 folders) | box 180 |
| Supreme Court of the United States, 1969-2011<br>Physical Description: (11 folders) | box 180-181 |

## Subseries IV.2: Advisory Committee Service, 1968-2001

### Scope and Contents

This subseries includes Feinberg's official committee service, excepting his work on the Judicial Conference's Long Range Planning Committee, which can be found in Subseries V.3. Committee reports from informal committees, Second Circuit standing committees, and committees where Feinberg was not a member can be found in Subseries IV.1. Materials in this subseries include clippings, correspondence and memoranda, drafts, meeting minutes, programs, reports, and statistics.

### Biographical / Historical

The Advisory Committee on Civil Rules and Federal Courts Study Committee were under the aegis of the Judicial Conference. The Advisory Committee on Experimentation in the Law, Advisory Council for Appellate Justice, and Committee on Future Needs and Practices were sponsored by the Federal Judicial Center.

### Arrangement

Within each file, materials are arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Advisory Committee on Civil Rules, 1964-1970<br>Physical Description: (17 folders) | box 181-182 |
| Advisory Committee on Experimentation in the Law, 1978-1985<br>Physical Description: (13 folders) | box 182 |
| Advisory Council for Appellate Justice, 1971-1975<br>Physical Description: (33 folders) | box 182-183 |
| American Bar Association Special Committees, 1975-1986 | box 183 |

| | |
|---|---|
| Physical Description: (7 folders) | |
| Committee on Future Needs and Practices, 1991-1994<br>Physical Description: (5 folders) | box 183 |
| Federal Courts Study Committee, 1988-1991<br>Physical Description: (11 folders) | box 183-184 |
| New York City Bar Special Committees, 1978-1983<br>Physical Description: (6 folders) | box 184 |
| State-Federal Judicial Council, 1968-2001<br>Physical Description: (7 folders) | box 184 |

## Subseries IV.3: Points of Law, 1961-2010

**Scope and Contents**

Feinberg maintained a subject file for points of law, arranged alphabetically by topic, where he filed offprints of case rulings responsive to the topic. The bulk of the offprints come from Second Circuit decisions, but other courts are represented. Many of the labeled folders are empty but have been retained to maintain Feinberg's research system. In addition to offprints, folders occasionally include carbons of Feinberg's opinions and notes.

| Title/Description | Instances |
|---|---|
| Index; A, 1963-2009<br>Physical Description: (66 folders) | box 153 |
| A-C, 2000-2010<br>Physical Description: (96 folders) | box 154 |
| C-D, 1970-2010<br>Physical Description: (85 folders) | box 155 |
| D-E, 1971-2009<br>Physical Description: (43 folders) | box 156 |
| E-F, 1966-2010<br>Physical Description: (108 folders) | box 157 |
| F-H, 1971-2009<br>Physical Description: (74 folders) | box 158 |
| I1963-2010<br>Physical Description: (47 folders) | box 159 |
| I-L, 1961-2010<br>Physical Description: (76 folders) | box 160 |
| L-P, 1969-2009 | box 161 |

| | |
|---|---|
| Physical Description: (90 folders) | |
| P-R, 1991-2009<br>Physical Description: (69 folders) | box 162 |
| R-S, 1975-2008<br>Physical Description: (56 folders) | box 163 |
| S1971-2010<br>Physical Description: (62 folders) | box 164 |
| S-T, 1971-2009<br>Physical Description: (54 folders) | box 165 |
| T-W, 1965-2008<br>Physical Description: (65 folders) | box 166 |
| W-Z, 1966-2003<br>Physical Description: (20 folders) | box 167 |

## Subseries IV.4: Rules of Practice and Procedure, 1961-2010

**Scope and Contents**

This subseries includes copies of rules and amendments that govern the functioning of the court system as a whole, the Second Circuit specifically, and the Circuit's bankruptcy and district courts. The subseries is divided into nine files, one for each set of rules (five federal, three circuit, and one local by district) and within each file folders are arranged numerically by rule number.

| Title/Description | Instances |
|---|---|
| Admiralty Rules, 2000<br>Physical Description: (5 folders) | box 167 |
| Circuit Court Procedure, 1966-2008<br>Physical Description: (19 folders) | box 167-168 |
| Federal Rules of Appellate Procedure, 1969-2009<br>Physical Description: (21 folders) | box 168 |
| Federal Rules of Bankruptcy Procedure, 1989-2003<br>Physical Description: (2 folders) | box 168 |
| Federal Rules of Civil Procedure, 1961-2007<br>Physical Description: (68 folders) | box 168-170 |
| Federal Rules of Criminal Procedure, 1963-2004<br>Physical Description: (40 folders) | box 170 |
| Federal Rules of Evidence, 1983-2004<br>Physical Description: (45 folders) | box 170-171 |
| Local Rules-Circuit Court, 1971-2010 | box 171-173 |

| | |
|---|---|
| Physical Description: (44 folders) | |
| Local Rules-District Courts, 1964-1991<br>Physical Description: (16 folders) | box 173 |

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## Series V: Judicial Conference of the United States, 1974-2007

**Biographical / Historical**

The Judicial Conference of the United States is charged by Congress to "serve as the principal policy-making body concerned with the administration of the U.S. Courts." Although the court system is largely decentralized, with each circuit and district having unique customs, practices, and rules, the Judicial Conference is the formal center for procedural recommendations. The Chief Justice of the United States presides over the Conference; other members include the Chief Judges of each circuit and a representative from each district and trade court. Feinberg was Chief Judge of the Second Circuit, and therefore a member of the Judicial Conference, from 1980 through 1988.

Traditionally, each new Chief Justice begins his tenure with a study of the Judicial Conference and the court system. Upon William Rehnquist's confirmation as Chief Justice, he created the Committee to Study the Judicial Conference, which lasted for a year. Prompted by the reports of the Rehnquist Committee and the Federal Courts Study Committee, Rehnquist created the Long Range Planning Committee as the anticipated first phase in a permanent planning effort. Having served eight years as a member of the Judicial Conference, Feinberg was appointed to the Long Range Planning Committee.

**Scope and Contents**

This series includes comprehensive agendas (including lengthy appendices of supplementary reports), correspondence, drafts, minutes, reports, and research. It is divided into three subseries derived from Feinberg's original filing system: Committee to Study the Judicial Conference; Judicial Conference; and Long Range Planning Committee.

## Subseries V.1: Committee to Study the Judicial Conference, 1986-1987

**Scope and Contents**

The Committee to Study the Judicial Conference was created shortly after William Rehnquist was confirmed as Chief Justice. Materials in this subseries include correspondence, drafts, meeting agendas, meeting programs, and reports. This subseries is arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Correspondence, 1986-1987<br>Physical Description: (4 folders) | box 206 |
| Meeting Agendas, 1986-1987<br>Physical Description: (3 folder) | box 207 |
| Reports, 1986-1987<br>Physical Description: (6 folders) | box 207 |
| Requests for Comment, 1986-1987 | box 207 |

Physical Description: (7 folders)

## Subseries V.2: Judicial Conference, 1974-2007

### Biographical / Historical

The Judicial Conference is made up of the Chief Justice, the Chief Judges of each circuit, and representatives from the district and trade courts. The Conference meets twice a year to discuss procedure and policy within the court system, and following the full conference the Chief Judges of the circuits have a separate meeting. Feinberg served as Chief Judge from 1980 through 1988 and therefore was a member of the Conference for that period. He also received courtesy copies of reports and correspondence both before and after his tenure as Chief Judge.

### Scope and Contents

This subseries includes correspondence, meeting agendas (each with sizable appendices containing reports from court committees and administrative offices), meeting minutes, reports, and research materials. Within each file, materials are arranged reverse-chronologically

| Title/Description | Instances |
|---|---|
| Correspondence, 1974-2007<br>Physical Description: (13 folders) | box 207 |
| Judiciary Budget Reports, 1982-1990<br>Physical Description: (6 folders) | box 208 |
| Meeting Agendas, 1980-1988<br>Physical Description: (76 folders) | box 208-212 |
| Post-Conference Chief Judges' Meetings, 1980-1988<br>Physical Description: (18 folders) | box 212-213 |
| Supplementary Reports, 1980-1988<br>Physical Description: (17 folders) | box 213-214 |

## Subseries V.3: Long Range Planning Committee, 1989-2007

### Biographical / Historical

The Long Range Planning Committee was created by the Judicial Conference in response to the recommendations of the Federal Courts Study Committee. In addition to Judge Feinberg, the committee consisted of three other appellate judges, three district judges, a bankruptcy judge, and a magistrate. Created in 1990 the committee published its formally approved plan in December 1995 after a multi-phase process of meetings, research, reports, and requests for comment. There now exists within the Administrative Office of the United States Courts a permanent Long-Range Planning Office that accounts for subseries correspondence between 1996 and 2007.

### Scope and Contents

This subseries includes correspondence (both between committee members and among the wider judicial system and affiliated groups and professions), meeting agendas, research materials, subcommittee reports, and the proposed Long Range Plan for the Federal Courts that was submitted for public comment and Judicial Conference approval. The approved Long Range Plan for the Federal Courts is not included, but a PDF is available here on the United States Court website.

**Arrangement**

Within each file, materials are arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Correspondence, 1989-2007<br>Physical Description: (32 folders) | box 214-215 |
| Meeting Agendas, 1991-1994<br>Physical Description: (24 folders) | box 215-216 |
| Meeting Planning, 1992-1996<br>Physical Description: (22 folders) | box 217 |
| Subcommittee Reports, 1991-1995<br>Physical Description: (49 folders) | box 217-219 |
| Supplementary Research Materials, 1992-1995<br>Physical Description: (24 folders) | box 219-220 |
| Proposed Long Range Plan for the Federal Courts, 1994<br>Physical Description: (1 folder) | box 220 |

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## Series VI: Professional Development, 1961-2011

**Scope and Contents**

This series includes materials relating to Feinberg's participation in professional organizations and continuing education. Records consist of conference materials, correspondence, directories, educational materials, official membership documents, reports, and workshop materials. This series is divided into three subseries: Bar Associations, Federal Judicial Center, and Legal Societies and Professional Organizations.

## Subseries VI.1: Bar Associations, 1961-2010

**Scope and Contents**

Feinberg was a member of the New York City Bar Association, the New York State Bar Association, and the American Bar Association, and all three groups are represented in this subseries. Maintaining his original order, the subseries is divided by document type, and each section includes items from all of the bar organizations. Records in this subseries include admissions and membership records (although his first admissions are in Series I), correspondence, programs, reports, and workshop and educational materials.

**Arrangement**

Within each file, records are arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Admissions, 1964-1979 | |

| | |
|---|---|
| Physical Description: (1 folder) | box 185 |
| Correspondence, 1961-2010<br>Physical Description: (13 folders) | box 185 |
| Legal Education, 1989-1990<br>Physical Description: (3 folders) | box 185 |
| Reports, 1981-2003<br>Physical Description: (5 folders) | box 185-186 |
| Workshops, 1991-1999<br>Physical Description: (10 folders) | box 186 |

## Subseries VI.2: Federal Judicial Center, 1976-2008

**Scope and Contents**

The Federal Judicial Center, formed in 1967, is the official educational organization for the federal courts. While materials from Feinberg's service on Federal Judicial Center committees is in Subseries IV.2, this subseries includes educational and research material from FJC conferences and workshops. Records consist of agendas, correspondence, manuals, programs, research publication, and reports. Records are divided into three files by document type, maintaining Feinberg's original order, and arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Correspondence, 1985-2008<br>Physical Description: (8 folders) | box 186 |
| Manuals and Reports, 1985-1999<br>Physical Description: (4 folders) | box 187 |
| Workshops and Conferences, 1976-2008<br>Physical Description: (11 folders) | box 187 |

## Subseries VI.3: Legal Societies and Professional Organizations, 1961-2011

**Scope and Contents**

This subseries collects records from a number of lesser professional groups and organizations. It consists of various biographical directories and judicial almanacs that included entries on Feinberg, along with twelve non-profit and continuing education groups that Feinberg occasionally participated in. Materials are primarily correspondence (including form renewals and questionnaires) and meeting and conference programs. The subseries is arranged alphabetically by organization name, then reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Almanacs and Directories, 1961-2011<br>Physical Description: (10 folders) | box 187 |
| American Historical Association-Project '87, 1978-1987 | box 188 |

| | |
|---|---|
| Physical Description: (2 folders) | |
| American Inns of Court, 1986-2008<br>Physical Description: (3 folders) | box 188 |
| American Judicature Society-Devitt Awards, 1983-2010<br>Physical Description: (7 folders) | box 188 |
| American Law Institute, 1970-2007<br>Physical Description: (7 folders) | box 188 |
| Fair Trial Free Press, 1979-1989<br>Physical Description: (2 folders) | box 188 |
| Federal Judges' Association, 1986-2008<br>Physical Description: (5 folders) | box 189 |
| Ford Foundation-Study of Law and Justice, 1971-1982<br>Physical Description: (3 folders) | box 189 |
| International Bar Association, 1985-1986<br>Physical Description: (4 folders) | box 189 |
| Judiciary Leadership Development Council, 1993-1999<br>Physical Description: (2 folders) | box 189 |
| Legal Aid Society, 1981-2000<br>Physical Description: (5 folders) | box 189 |
| National Law Center for Inter-American Free Trade, 1993-2001<br>Physical Description: (3 folders) | box 189 |
| New York Public Library-Bicentennial of the U.S. Constitution,, 1985-1987<br>Physical Description: (4 folders) | box 189 |

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## Series VII: Articles and Speeches, 1961-2011

### Scope and Contents

This series includes Feinberg's articles and speeches, as well as correspondence and research material relating to them. In addition to correspondence, offprints, reprints, and typescripts, materials include clippings, drafts, and notes. The files of research material collect ideas for potential future topics.

Feinberg was a prolific writer, particularly in the 1980s, and some of the topics he wrote on frequently include diversity jurisdiction, senior judges, and the history of the Second Circuit. He was also a vigorous opponent of the National Court of Appeals, a proposed restructuring of the federal judiciary that caused

substantial controversy in the 1970s. Feinberg's full publications list can be found in his CV in Subseries IX.1.

Feinberg maintained a "Jokes and Parodies" folder where he would file countless lawyer jokes clipped from *Reader's Digest* or sent to him by colleagues. Also in the "Jokes and Parodies" file are the song parodies that Feinberg wrote for anniversaries, birthdays, and retirements.

Although some of Feinberg's speeches were subsequently published in law journals and magazines, this series is particularly useful for its full record of fifty years of speech transcripts. Maintaining Feinberg's original order, the transcripts of both eulogies and speeches are arranged reverse-chronologically and include yearly indexes to speeches with locations and occasions. Many of the typescripts were Feinberg's podium copy and include his notes on delivery.

| Title/Description | Instances |
|---|---|
| Articles, 1969-2011 | |
| Drafts and Related Correspondence, 1975-1997<br>Physical Description: (19 folders) | box 190 |
| Reprints and Typescripts, 1969-1996<br>Physical Description: (19 folders) | box 190 |
| Research Materials, 1975-2011<br>Physical Description: (7 folders) | box 191 |
| Eulogies, 1961-2008<br>Physical Description: (3 folders) | box 192 |
| Jokes and Parodies, 1970-2006<br>Physical Description: (6 folders) | box 192 |
| Speeches, 1961-2011 | |
| Correspondence, 1967-1996<br>Physical Description: (11 folders) | box 191 |
| Drafts, 1972-2007<br>Physical Description: (18 folders) | box 191-192 |
| Notes and Clippings, 1964-1999<br>Physical Description: (14 folders) | box 192 |
| Speech Transcripts, 1961-2011<br>Physical Description: (23 folders) | box 192-193 |

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## Series VIII: Columbia University Alumni Activity, 1959-2010

**Scope and Contents**

Feinberg spent his postsecondary education at Columbia University, attending Columbia College and Columbia Law School. He is an active alumnus and this series includes more than fifty years of his involvement with Columbia University. Feinberg kept separate records of his alumni activity for the college and the law school, and that arrangement has been maintained. A third subseries consists of records relating to Columbia University more generally, including the umbrella alumni group for all Columbia schools, and material related to President Lee Bollinger and long-time law school professor Maurice Rosenberg.

## Subseries VIII.1: Columbia College, 1959-2008

**Scope and Contents**

Columbia College is one of the two undergraduate schools at Columbia University. Feinberg graduated from Columbia College in 1940 and remained active in the alumni association, serving on the Board of Directors. Records in this subseries include clippings, correspondence, meeting agendas, memoranda, minutes, reports, reunion programs, and statistics. Materials are arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Correspondence, 1965-2008<br>Physical Description: (23 folders) | box 193-194 |
| Committee Minutes and Reports, 1966-1977<br>Physical Description: (16 folders) | box 194 |
| Governance, 1959-1999<br>Physical Description: (12 folders) | box 194 |
| Reunions, 1990-2005<br>Physical Description: (7 folders) | box 195 |

## Subseries VIII.2: Columbia Law School, 1962-2010

**Biographical / Historical**

Feinberg enrolled in Columbia Law School in 1940 and, after a three year break for his Army service, graduated in 1946. While at Columbia Law School he was the editor-in-chief of the Law Review and after graduating became active in the alumni association. Throughout his career, he made sure that one of his two law clerks was a Columbia Law School graduate. He served on the Columbia Law School Alumni Association Board of Directors and was a member of the nomination committee for the Medal for Excellence.

**Scope and Contents**

Records include agendas, clippings, correspondence, memoranda, programs, and reports. Of particular note is the file on the Feinberg Prize and Scholarship, which includes material on the Wilfred Feinberg Prize (established 1998) and Wilfred Feinberg Scholarship in Law (established 2010), both created by some of Feinberg's former law clerks.

**Arrangement**

Within each file, materials are arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Correspondence, 1967-2010<br>Physical Description: (18 folders) | box 195 |
| Committees, 1962-1994<br>Physical Description: (16 folders) | box 196 |
| Conferences, 1965-1984<br>Physical Description: (9 folders) | box 196 |
| Feinberg Prize and Scholarship, 1998-2010<br>Physical Description: (3 folders)<br>**Scope and Contents**<br>(The Wilfred Feinberg Prize, established in 1998 and the Wilfred Feinberg Scholarship in Law, established in 2010 were created by a group of Feinberg's former law clerks.) | box 196 |
| Governance, 1964-2006<br>Physical Description: (15 folders) | box 196-197 |
| Medal for Excellence, 1972-2008<br>Physical Description: (6 folders) | box 197 |

## Subseries VIII.3: Columbia University, 1970-2008

**Scope and Contents**

This subseries includes Columbia-related material that is not specific to Columbia College or Columbia Law School. The subseries is divided into three sections: Alumni Federation; Correspondence with President Lee Bollinger; and Maurice Rosenberg.

**Scope and Contents**

The Alumni Federation (superseded by the Columbia Alumni Association in 2005) is the umbrella alumni group responsible for Columbia University as a whole and materials in this file include clippings, correspondence, and meeting programs.

**Scope and Contents**

Lee Bollinger, the 19th President of Columbia University, is a fellow Columbia Law School alumnus, and one of Feinberg's law clerks (1971-1972). Although Feinberg and Bollinger kept in touch throughout the years, Feinberg's dedicated correspondence file was created in 2002, after Bollinger's inauguration as President of Columbia University.

**Scope and Contents**

Maurice Rosenberg was a classmate of Feinberg's at Columbia Law School and then a professor there for almost forty years. He and Feinberg were close (Rosenberg wrote "Chief Judge Wilfred Feinberg: A

Twenty-Fifth Year Tribute" for the*Columbia Law Review*in 1986), although the bulk of their personal correspondence can be found in Subseries IX.3. The Rosenberg materials include letters of nomination and recommendation from Feinberg regarding Rosenberg's consideration for a variety of awards, correspondence and programs from Rosenberg's memorial service in 1995, and records relating to the Maurice Rosenberg Memorial Lecture established at Columbia in 1996.

**Arrangement**

Within each section, materials are arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Alumni Federation, 1970-2003<br>Physical Description: (9 folders) | box 197 |
| Correspondence with President Lee Bollinger, 2002-2007<br>Physical Description: (2 folders) | box 197 |
| Maurice Rosenberg, 1991-2008<br>Physical Description: (3 folders) | box 197 |

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## Series IX: Personal, 1936-2011

**Scope and Contents**

This series includes a variety of unofficial and personal records. The bulk of the series is Feinberg's correspondence files, which he maintained separately from the correspondence filed elsewhere in the collection. Similarly, Feinberg maintained a general clippings file separate from the clippings filed by topic found elsewhere in the collection. Also in this series is biographical information maintained and updated by Feinberg's secretary, including publications lists. Personal material includes business records from Feinberg's charity and investment activities outside his job, an oral history of Feinberg conducted in the late 1990s, and photographs. The series is arranged in six subseries.

## Subseries IX.1: Biographical Materials, 1936-2010

**Scope and Contents**

This subseries consists of biographical and autobiographical information collected by Feinberg. The subseries includes four sections. Bibliographies and CVs include autobiographical blurbs, biographical directory forms, publication lists, and resumes from throughout Feinberg's career. The section also includes Feinberg's high school diploma, Columbia transcripts, and government disclosure forms from his tenure as New York State Deputy Superintendent of Banks. The day planners date from the last few years of Feinberg's judicial service, but primarily detail outside appointments. There is a substantive file for honors, which include Feinberg's high school diploma along with professional recognitions like the Devitt Award, the Learned Hand Medal, and honorary doctorates from Columbia and Syracuse. The lists of noteworthy rulings, arranged by year and compiled by his law clerks, is of particular note. Within each file, materials are arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Bibliographies and CVs, 1940-2003 | box 198 |

| | |
|---|---|
| Physical Description: (3 folders) | |
| Day Planners, 2006-2010<br>Physical Description: (5 folders) | box 198 |
| Honors, 1936-2001<br>Physical Description: (15 folders) | box 198 |
| Lists of Noteworthy Rulings, 1986-1999<br>Physical Description: (2 folders) | box 198 |

## Subseries IX.2: Business and Investment Activities, 1950-1992

**Scope and Contents**

This subseries includes Feinberg's records of his extracurricular business activities. Much of it is related to tax rules and suburban property investments from the 1950s, but the subseries also includes information on Feinberg's political activity as a Democratic booster in Westchester in the 1950s and 1960s. Also in this subseries are catalogs, correspondence, and programs from the Feinberg Graduate School, part of the Weizmann Institute of Science in Israel, and established by Feinberg's brother Abraham. Although the Feinberg Graduate School was Abraham Feinberg's project, Wilfred Feinberg did visit Israel for the dedication and received material from the school throughout the years.

| Title/Description | Instances |
|---|---|
| The Feinberg Graduate School, 1966-1992<br>Physical Description: (5 folders) | box 198 |
| Gurman Memorial Fund, 1964-1967<br>Physical Description: (1 folder) | box 198 |
| Hampton Gardens, 1950-1958<br>Physical Description: (4 folders) | box 198 |
| Harrison Factors, 1958-1965<br>Physical Description: (8 folders) | box 198-199 |
| Pasadena Homes, 1951-1962<br>Physical Description: (10 folders) | box 199 |
| Political Work, 1959-1967<br>Physical Description: (3 folders) | box 199,<br>224 |
| Taxes, 1950-1979<br>Physical Description: (13 folders) | box 199 |

## Subseries IX.3: Correspondence, 1952-2011

**Scope and Contents**

This subseries makes up the bulk of Series IX. Although there is correspondence represented in almost every subseries in the collection, Subseries IX.3 collects a number of correspondence files that Feinberg maintained separately. The largest is Feinberg's file of Personal Correspondence, which includes correspondence from classmates, colleagues, family, friends, and law clerks. Although correspondence

from fellow judges is interfiled in Personal Correspondence, Feinberg also created a file for Unofficial Correspondence with Judges that has been kept separate to maintain his original arrangement. Of particular note is the file for Judge Henry Friendly Biographies, which includes interview transcripts from two book projects on Feinberg's former colleague. Other files in Subseries IX.3 are Invitations; Law Clerks; Letters of Reference; and Mayor's Office. This subseries is arranged reverse-chronologically.

| Title/Description | Instances |
|---|---|
| Invitations, 1969-2011<br>Physical Description: (62 folders) | box 199-201 |
| Judge Henry Friendly Biographies, 1997-2011<br>Physical Description: (4 folders)<br>**Scope and Contents**<br>(In the late 1990s Judge Feinberg corresponded with and was interviewed by Jeffrey Handelman, who was preparing a (never-published) biography of Feinberg's former colleague Judge Henry Friendly. In the late 2000s Judge Feinberg again participated with a different biographer, David Dorsen, whose book on Friendly was published in 2012. This file includes interview transcripts from each period, as well as correspondence regarding Friendly and the biographies.) | box 201 |
| Law Clerks, 1977-1997<br>Physical Description: (7 folders) | box 202 |
| Letters of Reference, 1974-2006<br>Physical Description: (11 folders) | box 202 |
| May or's Office, 1986-2007<br>Physical Description: (1 folder) | box 202 |
| Personal, 1952-2011<br>Physical Description: (50 folders) | box 202-204 |
| Unofficial Correspondence with Judges, 1998-2011<br>Physical Description: (9 folders) | box 204-205 |

## Subseries IX.4: Oral History, 1993-2005

**Scope and Contents**

In late 1996 and early 1997, the law professor and legal historian Jeffrey Morris met with Feinberg to complete a detailed oral history. The six meetings were divided roughly by topic, and dealt with Feinberg's biography, his former colleagues on the bench, his work in judicial administration, the history of the circuit, and important cases he decided. The subseries includes approved final copies of the interview transcripts as well as drafts and annotated and corrected transcript copies. There is also correspondence between Morris and Feinberg's chambers. The recordings of the interviews themselves are available on thirteen audiocassettes.

| Title/Description | Instances |
|---|---|

| | |
|---|---|
| Correspondence and Notes, 1993-2005<br>Physical Description: (5 folders) | box 205 |
| Recordings, 1996-1997<br>Physical Description: (13 audiocassettes, 3 diskettes)<br>**Scope and Contents**<br>(The recording of Judge Feinberg's oral history was spread over six sessions, roughly divided by topic. Interview outlines can be found in the Correspondence and Notes file, while both the approved transcripts and draft versions are in the Transcripts file.) | box 205, 222-223 |
| Transcripts, 1996-1997<br>Physical Description: (10 folders) | box 205 |

## Subseries IX.5: Photographs, 1946-2009

**Scope and Contents**

The photographs include official portraits of Feinberg and the court and informal snapshots of Feinberg and his wife and colleagues at a variety of events, including a number of photographs from Columbia reunions.

This subseries includes most of the photographs in the collection, although a few photographs from Feinberg's judicial appointment in 1961 can be found in Subseries II.4. There is a small collection of correspondence related to the photographs, primarily letters of enclosure and court announcements of official portraits. The subseries also includes negatives and a CD with snapshots in .jpeg format (although the photos are also represented in the subseries as prints).

**Arrangement**

Aside from the folder of related correspondence, the photographs are arranged by event (if known) and filed chronologically.

| Title/Description | Instances |
|---|---|
| Correspondence, 1973-2002<br>Physical Description: (1 folder) | box 205 |
| Negatives and Prints, 1946-2009<br>Physical Description: (25 folders) | box 205 |

## Subseries IX.6: Clippings and Public Relations, 1956-2004

**Scope and Contents**

Although files of clippings can be found throughout the collection, this subseries consists of the separate clippings file that Feinberg maintained. All clippings have been preservation photocopied and arranged chronologically. The subseries also includes Feinberg's lists of newspaper and press contacts

for his personal use and public relations material produced by the Second Circuit, primarily press releases.

| Title/Description | Instances |
| --- | --- |
| Clippings, 1956-1999<br>Physical Description: (35 folders)<br>**Scope and Contents**<br>(Although earlier years include the original article clipping as well as the use photocopy, more recent articles consist of only the photocopy) | box 205-206 |
| Contact Lists, 1962-1989<br>Physical Description: (1 folder) | box 206 |
| Press and Public Relations, 1974-2004<br>Physical Description: (11 folders) | box 206 |

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