

Edward S. Smith papersMSS.01.3

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1964-1997



Title Statement

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Descriptive Summary

Unit ID
MSS.01.3

Unit ID
[Archival Resource Key](#)

Unit ID
[Previous Archival Resource Key](#)

Unit ID
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Unit ID

/repositories/4/resources/89

Unit Date

1964-1997

Language

English

Creator

Smith, Edward S., 1919-2001

Extent

3.75 Cubic Feet 9 archival boxes

Repository

Arthur J. Morris Law Library Special Collections

Administrative Information

Immediate Source of Acquisition

This collection was donated to the Arthur J. Morris Law Library by Judge Smith's children, Edward S. Smith and Innes Richards, in August 2001.

Biographical / Historical

Edward S. Smith was born in Birmingham, Alabama, 27 March 1919. He studied at the University of Virginia, from which he received his BA in 1941 and LLB /JD in 1947. He also studied mechanical engineering at the Alabama Polytechnic Institute (now Auburn University) from 1936-1938. In September 1941, he entered active duty as an Apprentice Seaman. He participated in the initial amphibious attacks in North Africa, Sicily, Normandy, Southern France, and Okinawa. In 1944, he was gunnery officer of the *USS Susan B. Anthony (AP-72)*, which was sunk off Normandy 7 June. Later, he was first lieutenant and damage control officer, executive officer of *USS Arcturus (AKA-1)*. He was released from the military in February 1946 as a lieutenant. He was active for fifteen years in the postwar Naval Reserve, in units concerned with industrial mobilization and armed services procurement contracts. He was a member of the Naval Reserve Material Companies 5-2 and 5-3, 5th Naval District. He retired July 1, 1968.

From 1947 to 1961 he was an associate and partner with the firm of Blair, Korner, Doyle, Worth, and Crampton (this firm changed names). From 1961, he worked in the tax division of the US Department of Justice, as chief of the trial section. There, he reorganized and administered several sections of the tax division and supervised civil refund litigation in all US District Courts and the US Courts of Claims. In 1962 and 1963, he served as deputy assistant attorney general for civil rights. From 1963 to 1977, he was partner in the law firm of Piper & Marbury Attorneys, in the city of Baltimore, where he was the head of the tax and estates department. In 1978, he was appointed to the US Courts of Claims as an associate judge. From 1982-1989, he was judge of the US Court of Appeals for the Federal Circuit. In 1989, he became a senior circuit judge and moved to Alabama, where he continued to work until his death.

Judge Smith was member of the American Bar Association; the Bar Association of the city of Baltimore; the Baltimore Association of Tax Counsel; the National Tax Association; the Tax Institute of America; the Federal Bar Association; the District of Columbia Bar (1948, Tax Division); the Virginia State Bar (1947); the Bar Association of the District of Columbia (member of the Committee on US Courts of Claims); and a permanent member of the Judicial Conference of the Fourth Circuit. He was also a member of the Democratic Party. He taught as adjunct faculty at the University of Samford Law School and at the University of Alabama in Tuscaloosa.

Judge Edward S. Smith died March 22, 2001 in Birmingham, Alabama.

Scope and Contents

These papers document Edward S. Smith's service on the US Court of Claims, his appointment to the court, court administration, articles and speeches, and the federal court re-organization of the late 1970s that concluded with the Federal Courts Improvement Act of 1979, and the creation of the US Court of Appeals for the Federal Circuit.

The collection reflects the administrative process that took place "to restructure a portion of the intermediate appellate tier." Judge Smith was appointed Judge of the Court of Claims in 1979. There were too many appeals and very few judges, so it was necessary to allow the reorganization. In 1978-1979, Daniel J.

Meador, assistant attorney general, sent a proposal for restructuring the court system. This set of papers, called the Meador Report, began the process that concluded with the Federal Courts Improvement Act of 1979 and launched the necessary legislation to establish the United States Court of Appeals for the Federal Circuit. There are proposals, commentaries, discussions, hearings, statements, and memoranda between judges. This collection can be an excellent source of information on how the courts work internally.

Keywords

Judges

Appellate courts -- United States

Appellate procedure -- United States

Courts -- United States

Criminal justice, Administration of -- United States

Smith, Edward S., 1919-2001

United States. Court of Claims

Arrangement

The papers are arranged in the following groups:

Service on the US Court of Claims: correspondence, letters of recommendation, memoranda between judges and personal notes regarding court of claims appointments, and court administration rules, dating from primarily from 1977-1982. Boxes 1-2.

Creation of the US Court of Appeals for the Federal District: Meador Report materials, dating from 1978-1991. Boxes 2-5.

Federal Circuit Administration: materials related to the Court of Appeals for the Federal Circuit, various surveys, reports, and rules regarding procedures, dating from 1976-1997. Boxes 6-8.

Personal: resume, published articles, letters, speeches, class notes, and working materials, dating from 1964-1985. Box 9.

Description of Subordinate Components

Service on U. S. Court of Claims

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9136

[Court Administration] Rules. [Memoranda between Judges, Notes]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9141

Unit Date 1978-1980

Mixed Materials [35007008145728] 1 (box)

[Court Appointment File]. Correspondence, Letters of Recommendation

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9142

Unit Date 1977-1978

Mixed Materials [35007008145728] 1 (box)

Material Specification Judge Smith wrote an identical thank-you letter, only one copy of which was saved, to each of the following for supporting his court appointment: Richard H. Appert, S. Eason Balch, John S. Battle, William C. Battle, Alexis I. du Pont Bayard, Senator Birch Bayh, George Beall, Giora Ben-Horin, Edward B. Benjamin, Jr., Senator Joseph R. Biden, Jr., John M. Bray, Mortimer Caplin, Gene A. Castleberry, Calvin H. Cobb, Sheldon S. Cohen, Scott P. Crampton, Barbara B. Creed, Eugene G. Eason, E. Charles Eichenbaum, H. Vernon Eney, M. Carr Ferguson, Marvin Joseph Garbis, Charles W. Hall, John H. Hall, Don V. Harris, Isaac Hecht, F. Cleveland Hedrick, Jr., Lee H. Henkel, Jr., Vester T. Hughes, Jr., Henry C. Ikenberry, Philip C. Jackson, Jr., Julian I. Jacobs, Bruce H. Johnson, John B. Jones, Senator. Edward M. Kennedy, William L. Kinzer, Jules G. Korner III, Hover T. Lenz, Warren V. Ludlam, Charles C. MacLean, William D. McLean, Senator Charles Mc C. Mathias, Jr., Donald L. McCaskey, Robert P. Mittelman, Stanley C. Morris, Jr., Senator Sam Nunn, Louis F. Oberdorfer, John S. Pennell, John T. Piper, Lester M. Ponder, C. Frank Reifsnyder, Mitchell Rogovin, Alan F. Rothschild, Michael C. Russ, Frank P. Samford, Jr., Barefoot Sanders, Jr., Jacques T. Schlenger, Esward J. Schmuck, Bernard G. Segal, Sargent Shriver, Sherwin P. Simmons, George A. Smathers, Gary P. Smith, Senator John Sparkman, Hart H. Spiegel, Dean Emerson Spies, Norman A. Sugarman, William A. Sutherland, Senator Herman E. Talmadge, S. Shepherd Tate, Joseph D. Tydings, William Waller, Johnnie M. Walters, Meade Whitaker, W. Bew White, Jr., Stanley H. Wilen, Glen A. Wilkinson, Elliott T. Williams, and Andrew B. Young.

[Court of Claims Appointment] Correspondence and personal notes

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9143

Unit Date 1977-1978

Mixed Materials [35007008145728] 1 (box)

Court of Claims Building

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9144

Unit Date 1965-1969, 1979, 1988

Mixed Materials [35007008145728] 1 (box)

Indian Cases [Attorneys Fees]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9145

Unit Date 1978-1979

Mixed Materials [35007008145728] 1 (box)

Report re Court of Claims by Management Review Division. Administrative Office

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9146

Unit Date 1981

Mixed Materials [35007008145736] 2 (box)

Spector-Goddard Controversy

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9147

Unit Date 1981

Mixed Materials [35007008145736] 2 (box)

Trial Judge George Willi Case

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9148

Unit Date 1976-1980, 1982

Mixed Materials [35007008145736] 2 (box)

Creation of the U. S. Court of Appeals for the Federal District

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9137

Meador Report [A proposal to improve the Federal Appellate System]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9149

Unit Date 1978, July

Mixed Materials [35007008145736] 2 (box)

Meador Report - S. 677 and S. 678. [Early Proposals for new United States Court of Appeals for the Federal Circuit and Correspondence]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9150

Unit Date 1978-1979

Mixed Materials [35007008145744] 3 (box)

Meador Report [Statements of Donald C. Alexander, Mortimer Caplin, Howard T. Markey, Stuart E. Siegel, Daniel M. Friedman]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9151

Unit Date 1979, May

Mixed Materials [35007008145744] 3 (box)

Meador Report Publicity

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9152

Unit Date 1978-1979

Mixed Materials [35007008145744] 3 (box)

S. 677 Judicial Improvement Act of 1979

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9153

Unit Date 1979, March 15

Mixed Materials [35007008145744] 3 (box)

S. 678 Federal Courts Improvement Act of 1979

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9154

Unit Date 1979, March 15

Mixed Materials [35007008145744] 3 (box)

[S. 1477 - Federal Courts Improvement Act of 1979. Memoranda between Judges]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9155

Unit Date 1979

Mixed Materials [35007008145744] 3 (box)

Mixed Materials [35007008145751] 4 (box)

[S.1691 To provide Improvements in the Structure and Administration of the Federal Tax Courts...]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9156

Unit Date 1979, Aug.

Mixed Materials [35007008145751] 4 (box)

[H. R. 3806 - Court of Appeals for the Federal Circuit Act of 1980]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9157

Unit Date 1980, Feb. - Apr.

Mixed Materials [35007008145751] 4 (box)

[S. 21 & H. R. 2405: Memoranda, Testimonies]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9158

Unit Date 1980, Dec. 1981, March

Mixed Materials [35007008145751] 4 (box)

Mixed Materials [35007008145769] 5 (box)

Extent 4 folders

Legislation re Federal Courts (Miscellaneous)

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9159

Unit Date 1977-1978, 1981, 1988-1991

Mixed Materials [35007008145769] 5 (box)

Federal Circuit Administration

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9138

[Copies of Statutory Materials Related to the Court of Appeals for the Federal Circuit]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9160

Unit Date 1982

Mixed Materials [35007008145769] 5 (box)

Grassley Survey (for Senate Judicial Committee) on Court Workload

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9161

Unit Date 1996-1997

Mixed Materials [35007008145777] 6 (box)

[Internal Rules and Procedures Discussed by Judges]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9162

Unit Date 1981-1982

Mixed Materials [35007008145777] 6 (box)

Judicial Conference Committee on the Judicial Branch

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9163

Unit Date 1980-1986

Mixed Materials [35007008145777] 6 (box)

Memoranda re Miscellaneous Cases from Judge Smith

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9164

Unit Date 1980-1989

Mixed Materials [35007008145777] 6 (box)

[Miscellaneous Court Administration Matters]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9165

Unit Date 1976-1984, 1990

Mixed Materials [35007008145785] 7 (box)

Seminar for Newly Appointed Federal Appellate Judges

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9166

Unit Date 1982

Mixed Materials [35007008145785] 7 (box)

U. S. Courts of Appeals for the Federal Circuit Rules

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9167

Unit Date 1981-1982

Mixed Materials [35007008145785] 7 (box)

U. S. Courts of Appeals for the Federal Circuit Tenth Anniversary Program

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9168

Unit Date 1992, Oct. 1

Mixed Materials [35007008145785] 7 (box)

"State of the Court" Summer Letters

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9169

Unit Date 1983-1987

Mixed Materials [35007008145785] 7 (box)

"White Commission" or Commission on Structural Alternatives for the Federal Court of Appeals

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9170

Unit Date 1989

Mixed Materials [35007008145793] 8 (box)

Personal Materials

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9139

[Court Claims Appointment]; Personnel File: Resume and Published Articles, etc

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9171

Unit Date 1977

Mixed Materials [35007008145801] 9 (box)

Judge Smith. Information re Appointment

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9172

Unit Date 1978-1985

Mixed Materials [35007008145801] 9 (box)

Smith Speeches

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9173

Unit Date 1979-1988

Mixed Materials [35007008145801] 9 (box)

[Class Notes?, Working Materials? Probably related to Judge Smith and Scott P. Crampton]

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9174

Unit Date 1964-1969

Mixed Materials [35007008145801] 9 (box)

List of Persons with Whom Judge Smith Corresponded

Unit ID [Archival Resource Key](#)

Unit ID /repositories/4/archival_objects/9140

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