

UNITED STATES COURT OF APPEALS
EIGHTH CIRCUIT

CHAMBERS OF
RICHARD S. ARNOLD
CHIEF JUDGE
UNITED STATES COURTHOUSE
600 WEST CAPITOL AVENUE, ROOM 208
LITTLE ROCK, ARKANSAS 72201

March 23, 1998

The Hon. Byron R. White
Chair, Commission on Structural Alternatives
for the Federal Courts of Appeals
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Washington, D.C. 20544

Dear Mr. Justice:

Many thanks for your letter of March 2. I have sent a copy of your letter to each member of my Court, and they may be responding individually. This response represents only my own personal views.

It does not seem to me that any change in the present geographical boundaries of the Eighth Circuit would be advisable. I don't know of any movement among members of the bar that would favor such a change. As to other structural changes, I see no great need. The existing system of generalist courts of appeals is a good one, in my view. I would oppose any movement towards creation of new specialized courts. The law works best when applied by judges with broad knowledge not confined to one field. Nor do I see a need for a new appellate level - something between the Supreme Court and us. If there are conflicts in the circuits that need to be ironed out, the Supreme Court presently seems to have ample capacity on its docket for this purpose.

I've asked the Clerk of my Court, Michael Gans, to make himself available to Dr. McKenna to answer such questions as she may put about our procedures.

Please accept my thanks for taking on this responsibility. Your Commission has a very important charge indeed, and, if there's anything else that my Court or I can do to be of assistance, we would be delighted to help.

Respectfully yours,

Richard

Richard S. Arnold

RSA/bk

P.S. I have idiosyncratic views on some (maybe many) subjects. In particular, I think that we need fewer staff people and more judges, and that there should be no such thing as an opinion without precedential value. I am acutely conscious of being in a small minority in both respects, so I will not belabor these points. I take the liberty, though, of enclosing testimony that I gave last fall before Senator Grassley's subcommittee, as well as a copy of a lecture I gave at the Supreme Court of Missouri on the future of the federal courts. If someone on your staff could glance through these documents, the depth of my apostasy will be evident.

R

RSA