




**THE COMPLETE GUIDE TO THE
PAPERS OF THE HONORABLE
JUDGE JAMES L. OAKES**

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at Vermont Law School**



**COMPLETE GUIDE TO THE PAPERS OF
THE HONORABLE JUDGE JAMES L. OAKES,
C.1949-2007**

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BIOGRAPHICAL SKETCH

OF JUDGE JAMES L. OAKES (1924-2007)

JAMES LOWELL OAKES was born in Springfield, Illinois on February 21, 1924. He attended Harvard University (A.B., 1945) and Harvard Law School (LL.B., 1947), graduating cum laude from both institutions. He was also a book review and article editor for the Harvard Law Review from 1945 to 1947.

Oakes clerked twice (1947-1948 and 1949-1950) for the Honorable Harrie Brigham Chase, Judge for the Second Circuit Court of Appeals (a position that Judge Oakes would himself later be appointed to). Oakes also became an associate at the law firm of McCutcheon, Thomas, Matthews, Griffith, & Green in San Francisco, Calif. from 1948 to 1949. In 1949, he was admitted to the California Bar. The following year, he was admitted to the Vermont Bar and became a partner in the Bennington, Vt. law firms of Gannett & Oakes (1950-1964) and Gannett, Oakes & Weber (1964 -1966). Oakes remained a resident of Vermont for the rest of his life, and became active in Vermont state politics. He served as a state senator from Windham County from 1961 to 1965 and later was elected Attorney General for a year from 1967 until 1969.

In 1970, President Richard Nixon appointed Oakes to the United States District Court for the District of Vermont. He was a judge with the District Court until May of 1971, when he was elevated to the United States Court of Appeals, Second Circuit. He served as Chief Judge of the Second Circuit from 1989 until 1992 and remained on the Court with Senior Judge status until he retired in January of 2007. The subsequent closure of his office on Pearl Street in New York City marked the ending of a nearly 37-year career as a judge. Over this span of time on the bench, Judge Oakes contributed opinions that strengthened environmental laws, expanded procedural rights for the accused, and barred sexual discrimination in education.

Judge Oakes wrote many articles for law journals such as the Hofstra Law Review, the Harvard Law Review, Ohio State Law Journal, Michigan Law Review, University of Michigan Journal of Law Reform, New York University Law Review, and the Vermont Law Review, to name just a few. He was invited to give the 14th Annual Madison Lecture, New York University Law School's most important lecture series, in 1979. His presentation was later published in *The Evolving Constitution* (Norman Dorsen, ed., 1987). He also gave the University of Michigan Law School's Murray Lecture in 1982. As a recognized authority on copyright issues, Judge Oakes testified at a joint U.S. House and Senate committee hearing on intellectual property rights, copyright, and trademarks in 1990. He served on the Ad Hoc Committee on Habeas Corpus Reform in Capital Cases (the Powell Committee) from 1989-1991 and participated in conferences and programs on topics related to cases he had presided over during his tenure as a U.S. Court of Appeals judge, including the Pentagon Papers case (*U.S. v. New York Times Co.*, 1971) and *Herbert v. Lando*, 1977. (Judge Oakes wrote a dissenting opinion in the Pentagon Papers case that was later adopted by the U.S. Supreme Court when it overturned the Second Circuit's decision, something he was very proud of.)

In recognition of Judge Oakes's long tenure of service on both the federal bench and on the Board of Trustees for the Vermont Law School, the latter institution honored Judge Oakes in 1998 by naming the school's main building for him and his late wife: The James L. and Evelyn S. Oakes Hall. Judge Oakes was also awarded a Doctor of Laws honorary degree by the Vermont Law School in 1995, from Suffolk University in 1980, and from New England College in 1976.

James L. Oakes died on October 13, 2007 in Martha's Vineyard, Massachusetts. He was survived by his wife, Mara Williams, his brother, John D. F. Oakes, and by his three children: James L. Oakes, Jr.; Elizabeth H. Oakes; and Cynthia O. Meketa, as well as several stepchildren and grandchildren.

Judge Oakes was highly regarded and beloved by fellow judges and their staffs. He was always available to mentor, and the principles that he stood for were evident in his decisions and opinions. He treated every person with respect and dignity, and he cared deeply that the law affected everyone.

PROVENANCE

The Papers of the Honorable Judge James L. Oakes were generously given to the Vermont Law School by Judge James L. Oakes and his wife, Mara Williams, in December of 2006.

Supplemental materials were donated in June 2013.

SCOPE AND CONTENT NOTE

The Papers of the Honorable Judge James L. Oakes (14 boxes, 14.8 linear feet) contain bench notes, reviews of self-authored legal journal articles, reprints of Judge Oakes's and other legal journal articles, article drafts and proofs, copies of published case decisions (including some from the United States Supreme Court), handwritten and typed drafts of case decisions, office correspondence in the form of memos and letters both faxed and copied, personal correspondence, cards and letters, photocopies of legal articles and rulings for case research, bar exam notes, clipped and copied newspaper articles, a chart and graph of case evidence, handwritten and typed speech drafts, printed memorials for deceased judges, and conference itineraries and schedules of events. The papers document the career of a Second Circuit Court of Appeals judge and his undertaking of the process of reaching decisions in appeals brought before the court. Though most files do not appear to be complete, they do amply represent the thought processes, research, discussions, and debates between judges in deciding cases, as well as the issues, legal precedents, and thorough research performed by Judge Oakes and his fellow adjudicators. These case files also demonstrate the Judge's broad knowledge of the law and its application. In addition, they reveal some background for the assessments made by many lawyers, prosecutors, and other judges as to Judge Oakes's professionalism, thoroughness, fairness, and respected ability to render well-considered and technically and analytically sound opinions.

The papers also cover events that Judge Oakes participated in as a result of his experience with deciding cases of noteworthy legal precedent. These decisions include the Pentagon Papers case (*U.S. v. New York Times*, 1971), which involved an attempt by the U.S. executive branch to prevent the New York Times from publishing a leaked classified Department of Defense report about U.S. political and military activities in Vietnam from 1945 until 1967. Also figuring prominently in the papers is *Herbert v. Lando*, 1977, a defamation suit brought by retired Army officer Anthony Herbert against writer/producer Barry Lando in connection with a "60 Minutes" CBS television show focusing on Herbert and his accusations that superior officers covered up wartime atrocities in Vietnam. Both of these cases and their eventual Supreme Court hearings and decisions created much political, social, and legal debate in the years after. Judge Oakes attended conferences relating to the subject matter of the cases, his role in their adjudication, and their effect on American law and society. The Supplemental Materials contain more documents and items from Judge Oakes's personal files as well as reflections from others after his death. Eulogies from family and colleagues, including U.S. Supreme Court Justice Sonya Sotomayor, provide perspective. Numerous sets of Judge Oakes's remarks to new American citizens and memorabilia from his bid for Vermont Governor showcase his broad commitment to public service.

SERIES BREAKDOWN

The Papers of the Honorable Judge James L. Oakes are arranged into three main series:

SERIES I: Selected Cases Decisions of Judge Oakes, 1971-2005. Series I is, itself, broken into four subseries:

Subseries I (I.I): Noteworthy Decisions Selected by Judge Oakes, 1980-2005;

Subseries II (I.II): Noteworthy Environmental Decisions, 1973-2004;

Subseries III (I.III): Noteworthy Decisions Selected by Judge Oakes' Law Clerks, 1972-1988; and,

Subseries IV (I.IV): Noteworthy Decisions Selected by Lucy McVitty Weber, 1971-2001.

SERIES II: Personal Files, c1949-2004.

SERIES III: Supplemental Materials

SERIES DESCRIPTIONS

The entirety of Series I (and its set of subseries) is made up of selected case files from the Second Circuit Court of Appeals, in which Judge Oakes wrote either the decision for the majority of the court or a dissenting opinion. These files document his work involving cases which he or his clerks deemed noteworthy or significant. The files bring insight into the process of formulating an opinion in an appeals case—from the reviewing of bench notes and related information about a case at its inception—to the analysis and discussion of previous precedent and its possible application, debate, and an eventual vote with fellow judges resulting in a final decision.

With the exception of Subseries I (I.I), each group of subseries's files are arranged in date-descending reverse-chronological order (most recent to oldest) within each box. However, without exception, the contents of every individual series and subseries file are organized solely on the basis of date descending order. Materials have been given a date when one can be ascertained (in cases where no date was given). Documents are marked as undated (or "n.d.") when no date could be determined. When there was any question about the proper location of an item within the folder contents, it was left in its original location. Generally, dates of photocopied external research materials, such as published legal journal articles, do not factor into the date range assigned to each folder unless there is a substantial quantity of such documents.

SERIES I, Subseries I (I.I): Noteworthy Decisions Selected by Judge Oakes, 1980-2005 (2 boxes, 2.0 linear feet), contains case files selected by Judge Oakes himself. These cases held special significance for him based on their importance and relevance to everyday life and how their holdings have the potential to affect everyone from the general public to corporations, governing bodies, and beyond. The files are arranged as they were listed by the judge, with no attention to order of chronology except within the files themselves. Each file's contents are arranged in reverse (date-descending) order, from front (most recent) to back (oldest).

SERIES I, Subseries II (I.II): Noteworthy Environmental Decisions, 1973-2004 (1 box, 1.5 linear feet), contains case files that were selected by Judge Oakes and his clerks due to their significance within the field of environmental law. These are listed as supplied by the Reference Librarian of the U.S. Court of Appeals for the Second Circuit, Mark J. Schwarz. Of note in this series is *Southview Associates Limited v. Bongartz*, 980 F. 2d 84 (2d Cir. 1992). Judge Oakes authored the opinion, which upheld Vermont's Act 250 in a case in which a vacation home developer was denied a land use permit by Vermont's Environmental Board. The developer claimed that the State's action amounted to a physical or regulatory taking, an argument that was rejected by the Second Circuit in Judge Oakes's opinion.

SERIES I, Subseries III (I.III): Noteworthy Decisions Selected by Judge Oakes' Law Clerks, 1972-1988 (2 boxes, 3.0 linear feet), contains case files selected by Judge Oakes's many law clerks over his three and a half decades on the Second Circuit Court of Appeals. Although the files are not labeled with the names of the clerks that selected them, one can deduce some of this information from the list of individuals who clerked for him (see Appendix B: List of Judge Oakes's Clerks, 1970-2006). Most recognizable in this series is *Herbert v. Lando*, 1977, the famous case brought against Barry Lando of the CBS television program "60 Minutes" for defamation of Anthony Herbert. The case, which was eventually heard by the U.S. Supreme Court, examined the question of how deeply a well-known figure who brings a libel action can inquire into a journalist's opinions, and even thoughts, in the making of a broadcast.

SERIES I, Subseries IV (I.IV): Noteworthy Decisions Selected by Lucy McVitty Weber, 1971-2001 (2 boxes, 2.0 linear feet), contains cases hand-picked by New Hampshire State Representative Lucy McVitty Weber for their legal topics and subject matter. Ms. Weber was at the time the representative to the New Hampshire House of Representatives for Cheshire County District 1.

SERIES II: PERSONAL FILES, c.1949-2004 (3 boxes, 4.5 linear feet), contains lectures, conference materials, and published articles by Judge Oakes in relation to the cases he presided over. It also includes materials pertaining to the memorial given for Judge Sterry R. Waterman, Second Circuit Court of Appeals, in September of 1984, to which Judge Oakes was a contributor. The judge's notes for his California (1949) and Vermont (1950) bar exams are located in this series, and are the oldest documents within the papers. This series contains the record of the personal and professional aspects of his career aside from the cases he was involved in while sitting on the Second Circuit Court of Appeals. Of particular interest are the files concerning several important articles he wrote that were published in well-known law journals:

“The Doctrine of Prior Restraint Since the Pentagon Papers,”¹⁵ *University of Michigan Journal of Law Reform* 497 (1982).

“Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma,” *7 Hofstra Law Review* 655 (1979); and,

“The Proper Role of the Federal Courts in Enforcing the Bill of Rights,” *54 New York University Law Review* 911 (1979).

The included files show the thought process and research Judge Oakes used in writing these articles. There are many notes and drafts that provide insight into the progression in the judge's method of creating legal articles for publication.

SERIES III: SUPPLEMENTAL MATERIALS (4 boxes, 1.8 linear feet), contains more documents and items from Judge Oakes's personal files as well as reflections from others after his death. The files include poetry, remarks and speeches (published, unpublished, and draft), eulogies, obituaries, tributes, memoriams, articles (by and about Judge Oakes), certificates, photographs and portraits, personal books, correspondence, notes, and materials relating to Judge Oakes's political activities.

Two appendices are included after the box contents listing:

APPENDIX A: Case Descriptions and Box/Folder Locations Cross-Reference - Series I: Selected Cases Decisions of Judge Oakes, 1971- 2005, is a list of all the cases described in Series I with an accompanying brief synopsis. Each listing includes corresponding box/folder information that identifies where in the papers the case is located.

APPENDIX B: List of Judge Oakes's Clerks, 1970-2006, names all of the people who clerked for Judge Oakes in his 34 years with the Second Circuit Court of Appeals. This list helps to identify individuals who may have been key in the selection of some of the cases and materials found in Subseries I.III, as well as the other subseries.

RELATED MATERIALS

The following materials related to the life and career of the Honorable Judge James L. Oakes, or written by him, can be found in the Julien and Virginia Cornell Library at the Vermont Law School, or obtained through interlibrary loan:

BOOKS IN THE CORNELL LIBRARY COLLECTION

A Tribute to James L. Oakes and guide to the Oakes papers held in the archives of Vermont Law School, edited by Carl A. Yirka. Imprint: South Royalton, Vt. : Vermont Law School, c2007. Call Number: KF373.O24 J84 2007

Federal justice in the Second Circuit : a history of the United States courts in New York, Connecticut & Vermont, 1787 to 1987 by Jeffrey B. Morris ; with a foreword by James L. Oakes. Imprint: [New York, NY] : Second Circuit Historical Committee, c1987. Call Number: KF8752 2nd .M67 1987

Judge Gurfein and the Pentagon Papers by James L. Oakes. Imprint: [s.l. : s.n.], 1980.
Call Number: KF373.G8 O25

The Vermont constitution, how to read it, understand it and use it in your practice materials prepared for use at the seminar by Charles Martin and David Putter.
Imprint: Montpelier, Vt. : [s.n.], 1985. Call Number: KfV401.5 .V62 1985

SELECTED ARTICLES

"Law Reviews and Judging," 50 *New York University Law Review* 2 (1975).

"The Judicial Role in Environmental Law," 52 *New York University Law Review* 498 (1977).

"Substantive Judicial Review in Environmental Law," 7 *Environmental Law Reporter* 50029 (1977).

"A Plague of Lawyers: Law and the Public Interest," 2 *Vermont Law Review* 1 (1977).

"Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma," 7 *Hofstra Law Review* 655 (1979).

"The Proper Role of the Federal Courts in Enforcing the Bill of Rights," 54 *New York University Law Review* 911 (1979).

"The Role of Courts in Government Today," 14 *Akron Law Review* 175 (1980).

"Judge Gurfein and the Pentagon Papers," 2 *Cardozo Law Review* 5 (1980).

"Property Rights in Constitutional Analysis Today," 56 *Washington Law Review* 583 (1981).

"On the Craft and Philosophy of Judging," 80 *Michigan Law Review* 579 (1982).

"The Doctrine of Prior Restraint Since The Pentagon Papers," 15 *University of Michigan Journal of Law Reform* 497 (1982).

"Tribute: Judge Sterry R. Waterman," 9 *Vermont Law Review* 1 (1984).

"State Courts in a Time of Federal Constitutional Change," 13 *Vermont Law Review* 323 (1988).

"Judges on Judging: Grace Notes on 'Grace Under Pressure,'" 50 *Ohio State Law Journal* 701 (1989).

"Copyrights and Copyremedies: Unfair Use and Injunctions," 18 *Hofstra Law Review* 983 (1990).

"Memorial to Harold R. Medina," 90 *Columbia Law Review* 1459 (1990).

"Remarks on Justice Harlan as a Judicial Conservative," 36 *New York Law School Law Review* 3 (1991).

"Commentary on Judge Edwards' 'Growing Disjunction Between Legal Education and the Legal Profession,'" 91 *Michigan Law Review* 2163 (1993).

"Tribute to Thomas Debevoise (1930-1995)," 19 *Vermont Law Review* 591 (1995).

"The Dead Sea Scrolls: A Live Copyright Controversy," 38 *Houston Law Review* 219 (2001).

SERIES I: SELECTED CASES DECISIONS OF JUDGE OAKES, 1971-2005

SUBSERIES I (I.I): NOTEWORTHY DECISIONS SELECTED BY JUDGE OAKES, 1980-2005

BOX #	FOLDER #	DESCRIPTION	DATE
1	1	<i>North Haven Board of Education v. Hufstedler</i> , 629 F.2d 773 (2d Cir. 1980).	Apr 1980-Aug 1982
1	2	<i>Barnes v. Jones</i> , 665 F.2d 427 (2d Cir. 1981).	May 1979
1	3	<i>Harry Fox Agency, Inc. v. Mills Music, Inc.</i> , 720 F.2d 733 (2d Cir. 1983).	May 1983-May 1986
1	4	<i>Sedima, S.P.R.L. v. Imrex Co.</i> , 741 F.2d 482 (2d Cir. 1984). (1 of 3)	Jul 1984-Oct 1986
1	5	<i>Sedima, S.P.R.L. v. Imrex Co.</i> , 741 F.2d 482 (2d Cir. 1984). (2 of 3)	Feb-Jul 1984
1	6	<i>Sedima, S.P.R.L. v. Imrex Co.</i> , 741 F.2d 482 (2d Cir. 1984). (3 of 3)	Aug 1983, n.d.
1	7	<i>Philbrook v. Ansonia Board of Education</i> , 757 F.2d 476 (2d Cir. 1985).	Oct 1984-Jun 1985
1	8	<i>Morris v. Board of Estimate</i> , 831 F.2d 384 (2d Cir. 1987).	Jan 1987-Oct 1988
1	9	<i>Lamont v. Woods</i> , 948 F.2d 825 (2d Cir. 1991).	Feb 1991-Feb 1992
1	10	<i>International Society for Krishna Consciousness v. Lee</i> , 925 F.2d 576 (2d Cir. 1991).	Mar 1990-Jul 1992
1	11	<i>U.S. v. Bryser</i> , 954 F.2d 79 (2d Cir. 1992).	Aug 1991-Mar 1992
1	12	<i>Latsis v. Chandris, Inc.</i> , 20 F.3d 45 (2d Cir. 1994).	Jan 1994-Jun 1995
1	13	<i>Buckley v. Metro-North Commuter R.R.</i> , 79 F.3d 1337 (2d Cir. 1996).	Dec 1995-Mar 1998
1	14	<i>Agard v. Portuondo</i> , 117 F.3d 696 (2d Cir. 1997). (1 of 3)	Jul 1997-Apr 2000
1	15	<i>Agard v. Portuondo</i> , 117 F.3d 696 (2d Cir. 1997). (2 of 3)	Apr-Jun 1997
1	16	<i>Agard v. Portuondo</i> , 117 F.3d 696 (2d Cir. 1997). (3 of 3)	Early 1997?
1	17	<i>Guidi v. Inter-Continental Hotels Corp.</i> , 203 F.3d 180 (2d Cir. 2000); <i>Guidi v. Inter-Continental Hotels Corp.</i> , 224 F.3d 142 (2d Cir. 2000). (1 of 2)	Jul-Sep 2000
2	1	<i>Guidi v. Inter-Continental Hotels Corp.</i> , 203 F.3d 180 (2d Cir. 2000); <i>Guidi v. Inter-Continental Hotels Corp.</i> , 224 F.3d 142 (2d Cir. 2000). (2 of 2)	Nov 1999-Jul 2000
2	2	<i>St. Cyr v. I.N.S.</i> , 229 F.3d 406 (2d Cir. 2000). (1 of 2)	Aug 2000-Jun 2001
2	3	<i>St. Cyr v. I.N.S.</i> , 229 F.3d 406 (2d Cir. 2000). (2 of 2)	Mar-Aug 2000
2	4	<i>Calcagno-Martinez v. I.N.S.</i> , 232 F.3d 328 (2d Cir. 2000). (1 of 2)	Jun 2000-Aug 2001
2	5	<i>Calcagno-Martinez v. I.N.S.</i> , 232 F.3d 328 (2d Cir. 2000). (2 of 2)	Feb-Jun 2000
2	6	<i>Magan v. Lufthansa German Airlines</i> , 339 F.3d 158 (2d Cir. 2003).	Jul-Nov 2003
2	7	<i>Konits v. Valley Stream Central High School District</i> , 394 F.3d 121 (2d Cir. 2005).	Nov 2004-Feb 2005

SERIES I: SELECTED CASES DECISIONS OF JUDGE OAKES, 1971-2005

SUBSERIES II (I.II): NOTEWORTHY ENVIRONMENTAL DECISIONS, 1973-2004

BOX #	FOLDER #	DESCRIPTION	DATE
3	1	<i>Natural Resources Defense Council v. Abraham</i> , 355 F.3d 179 (2d Cir. 2004). Dockets: 01-4102, 01-4103, 02-4160, 02-4189, 02-6139.(1 of 3)	May-July 2004
3	2	<i>Natural Resources Defense Council v. Abraham</i> , 355 F.3d 179 (2d Cir. 2004). Dockets: 01-4102, 01-4103, 02-4160, 02-4189, 02-6139. (2 of 3)	Oct 2003-Mar 2004
3	3	<i>Natural Resources Defense Council v. Abraham</i> , 355 F.3d 179 (2d Cir. 2004). Dockets: 01-4102, 01-4103, 02-4160, 02-4189, 02-6139. (3 of 3).	Nov 2002-Oct 2003
3	4	<i>Western Mohegan Tribe and Nation of New York v. New York</i> , 246 F.3d 230 (2d Cir. 2001).	Jan-May 2001
3	5	<i>New York State Trawlers Ass'n v. Jorling</i> , 16 F.3d 1303 (2d Cir. 1994)	Nov 1993-Jan 1994
3	6	<i>Southview Associates v. Bongartz</i> , 980 F.2d 84 (2d Cir. 1992). (1 of 2)	Oct 1992-Apr 1993
3	7	<i>Southview Associates v. Bongartz</i> , 980 F.2d 84 (2d Cir. 1992). (2 of 2)	May-Sep 1992
3	8	<i>New York v. Shore Realty Corp.</i> , 763 F.2d 49 (2d Cir. 1985).	Nov 1984-Apr 1985
3	9	<i>Friends of Shawangunks, Inc. v. Clark</i> , 754 F.2d 446 (2d Cir. 1985).	Oct 1984-Jan 1985
3	10	<i>Waterbury Action to Conserve Our Heritage Inc. v. Harris</i> , 603 F.2d 310 (2d Cir. 1979). (1 of 3)	Jun 1979-Apr 1981
3	11	<i>Waterbury Action to Conserve Our Heritage Inc. v. Harris</i> , 603 F.2d 310 (2d Cir. 1979). (2 of 3)	Mar-May 1979
3	12	<i>Waterbury Action to Conserve Our Heritage Inc. v. Harris</i> , 603 F.2d 310 (2d Cir. 1979). (3 of 3)	Mar 1979?, n.d.
3	13	<i>Greene County Planning Board v. Federal Power Commission</i> , 559 F.2d 1227 (2d Cir. 1976).	Oct.1975-Sep 1977
3	14	<i>City of Rochester v. U.S. Postal Service</i> , 541 F.2d 967 (2d Cir. 1976).	Jun-Nov 1976
3	15	<i>Proetta v. Dent</i> , 484 F.2d 1146 (2d Cir. 1973).	Jan-Sep 1973

SERIES I: SELECTED CASES DECISIONS OF JUDGE OAKES, 1971-2005

SUBSERIES III (I.III): NOTEWORTHY DECISIONS SELECTED BY JUDGE OAKES' LAW CLERKS, 1972-1988

BOX #	FOLDER #	DESCRIPTION	DATE
4	1	<i>Huntington Branch, N.A.A.C.P. v. Town of Huntington</i> , 844 F.2d 926 (2d Cir. 1988). (1 of 2)	Mar-Jun 1988
4	2	<i>Huntington Branch, N.A.A.C.P. v. Town of Huntington</i> , 844 F.2d 926 (2d Cir. 1988). (2 of 2)	Feb-Mar 1988
4	3	<i>Carlin Communications v. F.C.C.</i> , 749 F.2d 113 (2d Cir. 1984). (1 of 3)	Mar-May 1988
4	4	<i>Carlin Communications v. F.C.C.</i> , 749 F.2d 113 (2d Cir. 1984). (2 of 3)	Feb 1988
4	5	<i>Carlin Communications v. F.C.C.</i> , 749 F.2d 113 (2d Cir. 1984). (3 of 3)	May 1987-Jan 1988
4	6	<i>In re Grand Jury Subpoena Served Upon John Doe (Richard Roe v. U.S.A.)</i> , 781 F.2d 238 (2d Cir. 1985). (1 of 3)	Dec 1985-Jan 1986
4	7	<i>In re Grand Jury Subpoena Served Upon John Doe (Richard Roe v. U.S.A.)</i> , 781 F.2d 238 (2d Cir. 1985). (2 of 3)	Oct-Nov 1985
4	8	<i>In re Grand Jury Subpoena Served Upon John Doe (Richard Roe v. U.S.A.)</i> , 781 F.2d 238 (2d Cir. 1985). (3 of 3)	Jul-Sep 1985
4	9	<i>U.S. v. Borello</i> , 766 F.2d 46 (2d Cir. 1985). (1 of 2)	May-Jun 1985
4	10	<i>U.S. v. Borello</i> , 766 F.2d 46 (2d Cir. 1985). (2 of 2)	Mar-May 1985
4	11	<i>Yiu Sing Chun v. Sava</i> , 708 F.2d 869 (2d Cir. 1983). (1 of 3)	May-Jun 1983
4	12	<i>Yiu Sing Chun v. Sava</i> , 708 F.2d 869 (2d Cir. 1983). (2 of 3)	Feb-May 1983
4	13	<i>Yiu Sing Chun v. Sava</i> , 708 F.2d 869 (2d Cir. 1983). (3 of 3)	Feb 1983
4	14	<i>Board of Education of City School District of New York v. Califano</i> , 584 F.2d 576 (2d Cir. 1978). (1 of 2)	Nov 1979-May 1980
4	15	<i>Board of Education of City School District of New York v. Califano</i> , 584 F.2d 576 (2d Cir. 1978). (2 of 2)	May-Nov 1979
4	16	<i>U.S. v. Cambindo Valencia</i> , 609 F.2d 603 (2d Cir. 1979). (1 of 5)	Dec 1979-Jan 1980
4	17	<i>U.S. v. Cambindo Valencia</i> , 609 F.2d 603 (2d Cir. 1979). (2 of 5)	Apr-Dec 1979

BOX #	FOLDER #	DESCRIPTION	DATE
5	1	<i>U.S. v. Cambindo Valencia</i> , 609 F.2d 603 (2d Cir. 1979). (3 of 5)	Apr (?) - Jun 1979
5	2	<i>U.S. v. Cambindo Valencia</i> , 609 F.2d 603 (2d Cir. 1979). (4 of 5)	Apr (?) 1979
5	3	<i>U.S. v. Cambindo Valencia</i> , 609 F.2d 603 (2d Cir. 1979). (5 of 5)	Aug 1978 - Apr 1979
5	4	<i>Bevevino v. Saydjari</i> , 574 F.2d 676 (2d Cir. 1978). (1 of 2)	Mar - Apr 1978
5	5	<i>Bevevino v. Saydjari</i> , 574 F.2d 676 (2d Cir. 1978). (2 of 2)	Nov 1977 - Feb / Mar 1978
5	6	<i>Herbert v. Lando</i> , 568 F.2d 974 (2d Cir. 1977). (1 of 4)	Oct 1978 - Jun 1979, Jun 1986
5	7	<i>Herbert v. Lando</i> , 568 F.2d 974 (2d Cir. 1977). (2 of 4)	Oct 1977 - May 1978
5	8	<i>Herbert v. Lando</i> , 568 F.2d 974 (2d Cir. 1977). (3 of 4)	Oct (?) 1977
5	9	<i>Herbert v. Lando</i> , 568 F.2d 974 (2d Cir. 1977). (4 of 4)	Feb - Oct 1977
5	10	<i>Evans v. Lynn</i> , 537 F.2d 571 (2d Cir. 1975). (1 of 3)	Mar 1976 - Nov 1977
5	11	<i>Evans v. Lynn</i> , 537 F.2d 571 (2d Cir. 1975). (2 of 3)	May 1975 - Feb / Mar 1976
5	12	<i>Evans v. Lynn</i> , 537 F.2d 571 (2d Cir. 1975). (3 of 3)	Oct 1974 - Apr 1975
5	13	<i>Dublino v. New York State Department of Social Services</i> , 348 F.Supp. 290 (W.D.N.Y., 1972). (1 of 2)	Mar - Aug 1972
5	14	<i>Dublino v. New York State Department of Social Services</i> , 348 F.Supp. 290 (W.D.N.Y., 1972). (1 of 2)	May 1971 - Mar 1972

SERIES I: SELECTED CASES DECISIONS OF JUDGE OAKES, 1971-2005

SUBSERIES IV (I.IV): NOTEWORTHY DECISIONS SELECTED BY LUCY MCVITTY WEBER, 1971-2001

BOX #	FOLDER #	DESCRIPTION	DATE
6	1	<i>In re Austrian, German Holocaust Litigation</i> , 250 F.3d 156 (2d Cir. 2001). (1 of 8)	Sep-Oct 2001
6	2	<i>In re Austrian, German Holocaust Litigation</i> , 250 F.3d 156 (2d Cir. 2001). (2 of 8)	Sep 2001
6	3	<i>In re Austrian, German Holocaust Litigation</i> , 250 F.3d 156 (2d Cir. 2001). (3 of 8)	Aug 2001
6	4	<i>In re Austrian, German Holocaust Litigation</i> , 250 F.3d 156 (2d Cir. 2001). (4 of 8)	May 2001
6	5	<i>In re Austrian, German Holocaust Litigation</i> , 250 F.3d 156 (2d Cir. 2001). (5 of 8)	Apr-May 2001
6	6	<i>In re Austrian, German Holocaust Litigation</i> , 250 F.3d 156 (2d Cir. 2001). (6 of 8)	Mar-Apr 2001
6	7	<i>In re Austrian, German Holocaust Litigation</i> , 250 F.3d 156 (2d Cir. 2001). (7 of 8)	Mar 2001
6	8	<i>In re Austrian, German Holocaust Litigation</i> , 250 F.3d 156 (2d Cir. 2001). (8 of 8)	Feb 2001
6	9	<i>U.S. v. Milken</i>	Oct 1990
6	10	<i>Republic of Philippines v. Marcos</i> , 888 F.2d 954 (2d Cir. 1989).	May 1989-Dec 1990
6	11	<i>Republic of Philippines v. New York Land Co.</i> , 852 F.2d 33 (2d Cir. 1988)	Apr-Jul 1988
6	12	<i>Republic of Philippines v. Marcos</i> , 806 F.2d 344 (2d Cir. 1986). (1 of 7)	Nov 20, 1986- Jan 15, 1987
6	13	<i>Republic of Philippines v. Marcos</i> , 806 F.2d 344 (2d Cir. 1986). (2 of 7)	Jul 22-Aug 5, 1986
6	14	<i>Republic of Philippines v. Marcos</i> , 806 F.2d 344 (2d Cir. 1986). (3 of 7)	Jul 1-18, 1986
6	15	<i>Republic of Philippines v. Marcos</i> , 806 F.2d 344 (2d Cir. 1986). (4 of 7) (1 of 2)	Jun (?) 1986
6	16	<i>Republic of Philippines v. Marcos</i> , 806 F.2d 344 (2d Cir. 1986). (5 of 7) (2 of 2)	Jun (?) 1986

BOX #	FOLDER #	DESCRIPTION	DATE
7	1	<i>Republic of Philippines v. Marcos</i> , 806 F.2d 344 (2d Cir. 1986). (6 of 7)	Jun 23-27, 1986
7	2	<i>Republic of Philippines v. Marcos</i> , 806 F.2d 344 (2d Cir. 1986). (7 of 7)	Jun 4-20, 1986
7	3	<i>U.S. v. New York Times Co.</i> , 444 F.2d 544 (2d Cir. 1971). (1 of 5) Unsealing of 1971 U.S. government's "Special Appendix", filed during case.	Jan-Sept 1996
7	4	<i>U.S. v. New York Times Co.</i> , 444 F.2d 544 (2d Cir. 1971). (2 of 5)	Jun-Jul 1971, Fall 1980, Spring 1982
7	5	<i>U.S. v. New York Times Co.</i> , 444 F.2d 544 (2d Cir. 1971). (3 of 5)	Jun 21-23, 1971
7	6	<i>U.S. v. New York Times Co.</i> , 444 F.2d 544 (2d Cir. 1971). (4 of 5)	Jun 21, 1971
7	7	<i>U.S. v. New York Times Co.</i> , 444 F.2d 544 (2d Cir. 1971). (5 of 5)	Jun 18-21, 1971

SERIES II: PERSONAL FILES, c1949-2004

BOX #	FOLDER #	DESCRIPTION	DATE
8	1	American Bar Association Forum on Communications Law 9th Annual Conference (plenary session, " <i>Herbert v Lando: 25 Years After...</i> "). Boca Raton, Fla. Judge Oakes, session participant, Jan 22-24, 2004	[1977-] Jan 2004
8	2	Federal Bar Council Program: " <i>Thirty Years After the Pentagon Papers: Examining the Rights to Know and to Tell in the Information Age</i> ", New York, N.Y. Judge Oakes, panel participant, Jun 13, 2001	[Jun 1970-] Aug 2001
8	3	Judge Oakes' contribution to a pamphlet created for the annual dinner held by the Libel Defence Resource Center (LDRC). In conjunction with the 25th anniversary of the U.S. Supreme Court's Pentagon Papers decision.	Aug-Sep, 1996
8	4	American Bar Association Forum on Communications Law 1st Annual Conference: Pentagon Papers panel. Judge Oakes, panel participant, Jan 19, 1996	Oct 1995-Jan 1996
8	5	Judge Oakes' contributions to the book <i>Essential Liberty: First Amendment Battles For a Free Press</i> , produced by the Columbia University School of Journalism	Sep-Oct 1991
8	6	Judge Oakes' testimony at the joint hearing of the House Subcommittee on Courts Intellectual Property, and the Administration of Justice and the Senate Subcommittee on Patents, Copyrights, and Trademarks, Jul 11, 1990	Jun-Jul 1990
8	7	Publication proofs for Judge Oakes' article for the <i>Hofstra Law Review</i> : " <i>Copyrights and Copyremedies: Unfair Use and Injunctions</i> ", Volume 18, Issue 4, 1990	Oct 2, 1990
8	8	Ad Hoc Committee on Habeus Corpus Reform in Capital Cases (the Powell Committee). (Folder 1 of 10)	Jul 9, 1990- May 24, 1991
8	9	Ad Hoc Committee on Habeus Corpus Reform in Capital Cases (the Powell Committee). Letters and enclosures to Congressman William Hughes. (Folder 2 of 10)	Jul 9, 1990
8	10	Ad Hoc Committee on Habeus Corpus Reform in Capital Cases (the Powell Committee). (Folder 3 of 10)	Mar 23- Jun 28, 1990
8	11	Ad Hoc Committee on Habeus Corpus Reform in Capital Cases (the Powell Committee). (Folder 4 of 10)	Mar 19, 1991

BOX #	FOLDER #	DESCRIPTION	DATE
8	12	Ad Hoc Committee on Habeus Corpus Reform in Capital Cases (the Powell Committee). (Folder 5 of 10)	Nov 28, 1989- Mar 19, 1990
8	13	Ad Hoc Committee on Habeus Corpus Reform in Capital Cases (the Powell Committee). (Folder 6 of 10)	Nov 1989
8	14	Ad Hoc Committee on Habeus Corpus Reform in Capital Cases (the Powell Committee). (Folder 7 of 10)	Oct 1989
8	15	Ad Hoc Committee on Habeus Corpus Reform in Capital Cases (the Powell Committee). (Folder 8 of 10)	Feb 17-Early Oct (?) 1989
8	16	Ad Hoc Committee on Habeus Corpus Reform in Capital Cases (the Powell Committee) - miscellaneous. (Folder 9 of 10)	undated
8	17	Ad Hoc Committee on Habeus Corpus Reform in Capital Cases (the Powell Committee) - miscellaneous/unidentified. (Folder 10 of 10)	undated
8	18	Memorial Proceedings for The Honorable Sterry R. Waterman, Judge, United States Court of Appeals. Special Session, U.S. Courthouse, Foley Square, NY, NY, Oct 17, 1984	Jun 1984- Feb 1985
8	19	Memorials in honor of Judge Sterry R. Waterman written by Judge Oakes.: <i>VBA- Vermont Bar Journal and Law Digest, Vermont Law Review, Brooklyn Law Review</i>	1984
8	20	Memorial rendered in honor of Judge Sterry R. Waterman by Judge Oakes at the 2nd Circuit Court of Appeals Judicial Conference in Hartford, CT. Sep 13, 1984	Sep 7-Dec 5 1984
8	21	Various memorials in honor of Judge Sterry R. Waterman. Includes Judge Waterman's copy of printed Memorial in Honor of Judge J. Joseph Smith, 2nd Circuit Court of Appeals (1980)	1980-1984
8	23	University of Michigan Journal of Law Reform (Murray Lecture) speech and publication: <i>The Doctrine of Prior Restraint Since the Pentagon Papers</i> , v. 15, # 3, 1982 (1 of 4)	1979-1980
8	24	University of Michigan Journal of Law Reform (Murray Lecture) speech and publication: <i>The Doctrine of Prior Restraint Since the Pentagon Papers</i> . v. 15, # 3, 1982. Research materials (3 of 4)	1976-1977

SERIES II: PERSONAL FILES, c1949-2004

BOX #	FOLDER #	DESCRIPTION	DATE
9	1	University of Michigan Journal of Law Reform (Murray Lecture) speech and publication: <i>The Doctrine of Prior Restraint Since the Pentagon Papers</i> . v. 15, # 3, 1982. Research materials (4 of 4)	1951-1973
9	2	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Letters, related article (1 of 14)	Nov 1979- Jan 1984, n.d.
9	3	<i>Judge Oakes' Hofstra Law Review article Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Letters, galley proof, annotated, copied (2 of 14)	Jun 1-11, 1979
9	4	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Includes 24 Hours in the Life of a Federal Judge for dinner speech (3 of 14)	Apr 1979
9	5	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Typed draft, copy (4 of 14)	Apr 1979
9	6	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Typed draft, copy, annotated (5 of 14)	Apr 23, 1979
9	7	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Article drafts (6 of 14)	Mar/Apr (?) 1979
9	8	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Article drafts (7 of 14)	Mar/Apr (?) 1979
9	9	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Drafts and notes (8 of 14)	Mar/Apr (?) 1979
9	10	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Drafts, typed and handwritten (9 of 14)	Mar (?) 1979
9	11	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Letter, article outline, sources list (10 of 14)	Jan 1979

BOX #	FOLDER #	DESCRIPTION	DATE
9	12	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Letters, list of changes in edited draft (11 of 14)	Jan 11, Apr 1979, n.d.
9	13	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Handwritten notes (12 of 14)	Late 1978/ Early 1979(?)
9	14	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. One page typed draft, research materials, copied. (13 of 14)	Late 1978/Early 1979(?), various dates
9	15	Judge Oakes' Hofstra Law Review article <i>Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma</i> . v. 7, # 3, Spr. 1979. Letters (14 of 14)	Jul-Nov 1978
9	16	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights</i> in NY Univ. L. Review, 911 (1979). Letter, notes, undated memos (1 of 16)	Dec 7, 1979, n.d.
9	17	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Letters (2 of 16)	Nov 1979-Sep 1980, Dec 24, 1986
9	18	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Lecture, final draft, copied (3 of 16)	Oct 23, 1979
9	19	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Late draft, copy (4 of 16)	Oct 1979(?)
9	20	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Untitled draft, typed, copied, corrected (5 of 16)	Oct 1979(?)
9	21	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Untitled draft, typed, corrected, copied (6 of 16)	Oct 1979(?)

SERIES II: PERSONAL FILES, c1949-2004

BOX #	FOLDER #	DESCRIPTION	DATE
10	1	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Untitled drafts, typed, corrected (7 of 16)	Oct 1979(?)
10	2	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Untitled draft, typed, copied, corrected (8 of 16)	Oct 1979(?)
10	3	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Footnotes drafts typed, originals and copies, corrected (9 of 16)	Oct 1979(?)
10	4	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Drafts of text and footnotes-typed, copied, corrected (10 of 16)	Oct 1979(?)
10	5	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Draft #3, typed, corrected (11 of 16)	Oct 1979(?)
10	6	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Two drafts: typed, corrected; handwritten (12 of 16)	Oct 1979(?)
10	7	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Letters (13 of 16)	Sep-Dec 1979
10	8	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Notes, lecture outline, handwritten; articles, copied (14 16)	Mar 1978-Sep 1979

BOX #	FOLDER #	DESCRIPTION	DATE
10	9	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Research materials numbered as to parts of lecture/article (15 of 16)	Various dates
10	10	14th Madison Lecture, 10/24/79, NYU Law School. Published as <i>The Proper Role of the Federal Courts in Enforcing the Bill of Rights...</i> Letters (16 of 16)	Oct 26-31,1977
10	11	Vermont Law School Law Day Speech	1974
10	12	Cases briefed- Law firm of Gannett and Oakes, Brattleboro, Vt.	Early 1950s
10	13	Bar exam notes, Vermont: Agency	c.1950
10	14	Bar exam notes, Vermont(?): Constitutional Law	c.1950(?)
10	15	Bar exam notes, Vermont: Contracts	c.1950
10	16	Bar exam notes, Vermont: Corporations	c.1950
10	17	Bar exam notes, Vermont(?): Criminal Law	c.1950(?)
10	18	Bar exam notes, Vermont: Domestic Relations	c.1950
10	19	Bar exam notes, California and Vermont: Equity	c.1949/1950
10	20	Bar exam notes, Vermont: Evidence	c.1950
10	21	Bar exam notes, Vermont(?): Partnerships	c.1950(?)
10	22	Bar exam notes, Vermont(?): Real Property	c.1950(?)
10	23	Bar exam notes, Vermont: Torts	c.1950
10	24	Bar exam notes, Vermont: Wills and Estates	c.1950
10	25	Miscellaneous, undated material	n.d

SERIES III: SUPPLEMENTAL MATERIALS

BOX #	FOLDER #	DESCRIPTION	DATE
1	1	<u>James L. Oakes - Poems</u> <i>Cellar Holes</i> <i>Hourglass Sand</i> <i>The Back of a Fireplace</i>	undated
1	2	<u>James L. Oakes - Unpublished speeches</u> <i>VT A.G. Individual Rights and Public Order,</i> <i>U.S. Judge, District of VT Remarks to New Citizens</i>	7/2/1967 5/11/1970
1	3	<u>James L. Oakes - Reprint from <i>New York Law Journal</i></u> <i>"Thoughts on Original Intent,"</i>	3/5/1992
1	4	<u>Eulogies</u> <i>Lisa Hamilton</i> <i>Karen McAndrew</i> <i>Hon. Sonia Sotomayor, VLS</i>	10/27/2007 10/27/2007 11/12/2007
1	5	<u>Obituaries</u> <i>New York Times</i> <i>Brattleboro Reformer (2)</i>	10/16/2007 10/16/2007
1	6	<u>Tributes</u> <i>New York Law Journal</i> <i>William Patry Blog</i> <i>Marlboro College celebration</i> <i>Vermont Law School celebration</i>	3/9/2007 10/16/2007 10/27/2007
1	7	<u>Articles about Judge Oakes</u> <i>Brattleboro Reformer, "The Power of One Vote"</i> <i>Brattleboro Reformer, "Portrait Unveiled"</i>	3/28/2006 10/7/2007
1	8	<u>In Memoriam - Booklets</u> <i>Vermont Law School, A Tribute to JLO: And Guide to the Oakes Papers Held in the Archives of Vermont Law School</i> <i>USCA for the Second Circuit Special Session, In Memoriam</i> <i>Second Circuit Judicial Conference, In Memoriam</i>	5/2007 2/4/2008 2008
1	9	<u>Media - CD</u> <i>Investiture/Swearing in, Hon. Bernard Letterer speech</i>	5/1/1970
1	10	<u>Media - CD</u> <i>James L. Oakes, Madison Lecture, NYU Law</i>	1970

BOX #	FOLDER #	DESCRIPTION	DATE
1	11	<u>Media - CD</u> James L. Oakes, Interview by John Kristensen	1998
1	12	<u>Media - CD</u> James L. Oakes, Oral History, U.S. Court of Appeals, Second Circuit	2005
1	13	<u>Media - DVD</u> Memorial Service	10/27/2007
1	14	Certificate, Member of the Board of Bar Examiners	10/1/2967- 10/1/1970
1	15	<u>Speeches</u> James L. Oakes, miscellaneous	1963-1968
1	16	<u>The Champlain Waterway</u> James L. Oakes, Vermont State Senator, article, reports	1963
1	17	<u>James L. Oakes, Run for Governor of Vt.</u> Campaign materials, news releases covering topics such as Vermont's natural resources, individual rights, poverty in Vermont, and assistance to farmers.	1968
1	18	James L. Oakes, <i>For the Use of Witnesses</i>	undated
1	19	James L. Oakes, Attorney General of Vermont news release, <i>Law Day USA</i>	5/1/1967
1	20	<u>Irasburg Affair</u> James L. Oakes, Attorney General of Vermont, booklet, <i>Findings and Recommendations of Board of Inquiry: Investigating the so-called Irasburg Affair.</i>	1968
1	21	<u>James L. Oakes, Speeches, Commentary</u> Draft of speech, VT Bicentennial at Oldcastle Theater Co., Bennington, VT Draft of speech, "What it Means to be an American Citizen, Op-ed in <i>Brattleboro Reformer</i> Editorial on speech, "What it Means to be an American Citizen," <i>Vineyard Gazette</i> Newspaper article on new citizens, unknown source Remarks to New Citizens Remarks to New Citizens	1991 7/3-4/2010 7/6/2010 undated 5/11/1970 6/21/1971

SERIES III: SUPPLEMENTAL MATERIALS

BOX #	FOLDER #	DESCRIPTION	DATE
2	1	Court Photographs	
2	2	New England Association of Chiefs of Police, Related materials	1975-1976
2	3	"The Function of Concurring and Dissenting Opinions in Court of Last Resort"	undated
2	4	"Observations on Religious Intolerance"	undated
2	5	"Prescription"	Possibly 1988
2	6	"Vermont of the Year," <i>Vermont Sunday Magazine</i> , <i>Rutland Herald</i>	12/27/1992
2	7	"The Top U.S. Commercial Court," John P. Frank, <i>Fortune Magazine</i>	1/1951
2	8	Photographs, Professional Portrait	1972-1984
2	9	Correspondence	6/10/1972- 1/17/1973
2	10	Memorial Day, Drafts	1968
2	11	Legal Notes	6-7/1972
2	12	Freemans' Oath Plus	undated
2	13	Newspaper Articles of Interest to Judge Oakes	1970, 1979
2	14	Portrait, Painted by Marion Miller	2002
3	1	"Environmental Litigation: Court Developments and Suggestions for the Future," <i>Connecticut Law Review</i>	Spring, 1973
3	2	"Theories of Water Pollution Litigation," Peter N. Davis, <i>Wisconsin Law Review</i>	1971
3	3	Notes on Environmental Paper	undated
3	4	"The Federal Power to Protect the Environment: Available Devices to Compel or Induce Conduct," Albert J. Rosenthal, <i>Southern California Law Review</i>	1972

BOX #	FOLDER #	DESCRIPTION	DATE
3	5	Brief of Appellee, Supreme Court of Vermont, <i>Fisher v. Town of Marlboro</i>	undated
3	6	Smithsonian, Draft of Speech	undated
3	7	Environmental Protection Act of 1973 Committee on Commerce, United States Senate	1/1973
3	8	“Memorandum on Recovery of Expenses (Including Legal Fees) In NEPA Litigation,” David Weinberg	1/18/1972
3	9	“The Federal Government and Environmental Control: Administrative Reform on the Executive Level,” Peter A. Donovan, Environmental Affairs	1971
3	10	“Environmental Protection – Reaching Maturity and The Obligations That Go With It,” John R. Quayles, Jr., <i>Environmental News</i> , Conference	11/30/1972
3	11	“Cans,” Articles Selected	undated
3	12	“Cannots,” Articles Selected	1972-1973
3	13	Philosophy	1972-1973
3	14	Environmental Articles of Interest	undated, 1949. 1971
3	15	Environmental Articles of Interest	1972
3	16	“International Environmental Law and Development,” Charles E. Di Leva, <i>Georgetown International Environmental Law Review</i> , Vol. X, Issue 2	Winter 1998
4	1	Book: “ <i>The Life of John Marshall</i> ,” Vol. I, Albert J. Beveridge	1916
4	2	Book: “ <i>The Life of John Marshall</i> ,” Vols. II & III, Albert J. Beveridge	1916

The image shows the exterior of a building with light-colored horizontal siding. Two windows are visible, one above the other, both with white frames and multiple panes. The building has a gabled roof with a circular vent in the peak. The word "OAKES" is mounted on a horizontal band below the siding.

OAKES

*VERMONT
LAW
SCHOOL*



HALL

APPENDIX A: CASE DESCRIPTIONS AND SERIES/BOX/FOLDER LOCATIONS

CROSS-REFERENCE: SERIES I: SELECTED CASES DECISIONS OF JUDGE OAKES, 1971-2005

SUBSERIES I (I.1): NOTEWORTHY DECISIONS SELECTED BY JUDGE OAKES, 1980-2005

BOX #	FOLDER #	DECISION	DESCRIPTION
1	1	<i>North Haven Board of Education v. Hufstедler</i> , 629 F.2d 773 (2d Cir. 1980).	The Second Circuit examined United States Department of Health, Education and Welfare's regulations issued under Title IX of the Education Amendments of 1972 concerning sex discrimination in educational employment.
1	2	<i>Barnes v. Jones</i> , 665 F.2d 427 (2d Cir. 1981).	"This appeal involves the extent of an indigent criminal defendant's right to competent counsel on appeal from a New York State criminal conviction and the extent of his appellate counsel's duty to raise and argue particular issues at the defendant's request."
1	3	<i>Harry Fox Agency, Inc. v. Mills Music, Inc.</i> , 720 F.2d 733 (2d Cir. 1983).	This appeal "concern[s] the meaning and application of the "derivative works exception" to the termination-of-transfers provision of the Copyright Act of 1976..." The Second Circuit examined "whether the heirs of the composer of a song, or instead a music publishing company, are entitled to mechanical royalties from certain derivative works..."
1	4-6	<i>Sedima, S.P.R.L. v. Imrex Co.</i> , 741 F.2d 482 (2d Cir. 1984).	This case involves the private right of action found in the Racketeer Influenced and Corrupt Organizations Act.
1	7	<i>Philbrook v. Ansonia Board of Education</i> , 757 F.2d 476 (2d Cir. 1985).	Plaintiff brought suit under Title VII of the Civil Rights Act of 1964 and alleged that the defendant's "policy of allowing only three days of paid leave for religious observance and not allowing three days of paid leave for personal business to be used for religious observance conflicted with his religious beliefs which prohibited him from engaging in secular employment on church holy days, more than three of which occurred during the school year."

SUBSERIES I (I.1): NOTEWORTHY DECISIONS SELECTED BY JUDGE OAKES, 1980-2005

BOX #	FOLDER #	DECISION	DESCRIPTION
1	8	<i>Morris v. Board of Estimate</i> , 831 F.2d 384 (2d Cir. 1987).	“Residents of [New York City] borough brought action challenging, under one-person, one-vote principle, constitutionality of mode of electing members of city board of estimate.”
1	9	<i>Lamont v. Woods</i> , 948 F.2d 825 (2d Cir. 1991).	“Federal taxpayers brought suit against Director of Agency for International Development (AID) and Director of Office of American Schools and Hospitals Abroad (ASHA), alleging violation of establishment clause through appropriation and expenditure of public funds for construction, maintenance and operation of religious schools abroad pursuant to ASHA program.”
1	10	<i>International Society for Krishna Consciousness v. Lee</i> , 925 F.2d 576 (2d Cir. 1991).	Plaintiff brought suit “challenging [Port Authority of New York and New Jersey’s] restrictions on distribution of literature and solicitation of contributions in airport terminals.
1	11	<i>U.S. v. Bryser</i> , 954 F.2d 79 (2d Cir. 1992).	”Defendants appeal their convictions of conspiracy, theft from interstate shipment, mail fraud, and wire fraud.
1	12	<i>Latsis v. Chandris, Inc.</i> , 20 F.3d 45 (2d Cir. 1994).	The Second Circuit re-examines the definition of seaman under the Jones Act.
1	13	<i>Buckley v. Metro-North Commuter R.R.</i> , 79 F.3d 1337 (2d Cir. 1996).	Plaintiff employee brought suit under the Federal Employers’ Liability Act claiming negligent infliction of emotional distress and medical monitoring costs arising from his exposure to asbestos.
1	14-16	<i>Agard v. Portuondo</i> , 117 F.3d 696 (2d Cir. 1997).	Appeal from the denial of the defendant’s writ of habeas corpus.

SUBSERIES I (I.I): NOTEWORTHY DECISIONS SELECTED BY JUDGE OAKES, 1980-2005

BOX #	FOLDER #	DECISION	DESCRIPTION
1	17	<i>Guidi v. Inter-Continental Hotels Corp.</i> , 203 F.3d 180 (2d Cir. 2000);	The Second Circuit examines whether Egypt is the proper forum for an action arising out of the shooting of an American businessmen in an Egyptian hotel.
2	1	<i>Guidi v. Inter-Continental Hotels Corp.</i> , 224 F.3d 142 (2d Cir. 2000).	
2	2-3	<i>St. Cyr v. I.N.S.</i> , 229 F.3d 406 (2d Cir. 2000)	The Second Circuit examines some of the effects of the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act on the Immigration and Nationality Act.
2	4-5	<i>Calcano-Martinez v. I.N.S.</i> , 232 F.3d 328 (2d Cir. 2000).	The Second Circuit “interpret[s] the effect of the permanent rules of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 . . . on the jurisdiction of federal courts to hear challenges raised by criminal aliens with respect to removal proceedings commenced by the Immigration and Naturalization Service . . .”
2	6	<i>Magan v. Lufthansa German Airlines</i> , 339 F.3d 158 (2d Cir. 2003).	Plaintiff brought suit against the defendant to recover for personal injuries he sustained when he bumped his head on the defendant’s aircraft cabin ceiling after it encountered turbulence.
2	7	<i>Konits v. Valley Stream Central High School District</i> , 394 F.3d 121 (2d Cir. 2005).	Plaintiff, a music teacher, brought suit against the school district where she works. Plaintiff alleged retaliation in violation of the First Amendment for filing a prior suit against the same defendants.

SUBSERIES I (I.I): NOTEWORTHY ENVIRONMENTAL DECISIONS, 1973-2004

BOX #	FOLDER #	DECISION	DESCRIPTION
3	1-3	<i>Natural Resource Defense Council v. Abraham</i> , 355 F.3d 179 (2d Cir. 2004).	Challenge against the suspension of a rule promulgated pursuant to Energy Policy and Conservation Act (EPCA) requiring central air conditioners and heat pumps manufactured for sale in United States to meet a minimum energy efficiency level.
3	4	<i>Western Mohegan Tribe and Nation of New York v. New York</i> , 246 F.3d 230 (2d Cir. 2001).	Plaintiffs alleged violations of federal preservation laws and of their right to the free exercise of religion arising from the development of a state park.
3	5	<i>New York State Trawlers Ass'n v. Jorling</i> , 16 F.3d 1303 (2d Cir. 1994).	"Trawlers' association sued New York State Department of Environmental Conservation alleging that amendments to Environmental Conservation Law to prohibit trawlers from taking, landing or possesssing lobsters in Long Island Sound violated the commerce clause, the equal protectiona and due process clauses, and the prohibition against bills of attainder in the United States Constitution."
3	6-7	<i>Southview Associates v. Bongartz</i> , 980 F.2d 84 (2d Cir. 1992).	"Developer sued members of Vermont Environmental Board claiming that Board's denial of land use permit on ground that development would significantly impair deeryard deprived it due process and equal protection of law and constituted taking without just compensation."
3	8	<i>New York v. Shore Realty Corp.</i> , 763 F.2d 49 (2d Cir. 1985).	Appeal of an order holding defendants in civil contempt for failure to obey orders previously entered in the course of CERCLA litigation brought by New York to require them to remove hazardous chemicals from its property.
3	9	<i>Friends of Shawangunks, Inc. v. Clark</i> , 754 F.2d 446 (2d Cir. 1985).	"Environmental group brought action challenging proposed construction of golf course on land to which government had conservation easement, alleging that such use of land constituted improper 'conversion' under Land and Water Conservation Fund Act."

SUBSERIES I (I.I): NOTEWORTHY ENVIRONMENTAL DECISIONS, 1973-2004

BOX #	FOLDER #	DECISION	DESCRIPTION
3	10-12	<i>Waterbury Action to Conserve Our Heritage Inc. v. Harris</i> , 603 F.2d 310 (2d Cir. 1979).	Waterbury Action to Conserve Our Heritage Inc. brought suit against the defendants to stop an urban renewal project.
3	13	<i>Greene County Planning Board v. Federal Power Commission</i> , 559 F.2d 1227 (2d Cir. 1976).	Plaintiffs brought suit against the Federal Power Commission alleging violations under the National Environmental Policy Act and under the Federal Power Act.
3	14	<i>City of Rochester v. U.S. Postal Service</i> , 541 F.2d 967 (2d Cir. 1976).	Plaintiffs brought suit against U.S. Postal Service alleging violations of the National Environmental Policy Act and the Intergovernmental Cooperation Act.
3	15	<i>Proetta v. Dent</i> , 484 F.2d 1146 (2d Cir. 1973).	Plaintiff's brought an action under the National Environmental Policy Act "to restrain city, Economic Development Administration and paper machinery company from proceeding with any phase of the expansion of paper machinery company, to halt city's demolition and clearing of site for construction of expansion and to prohibit Administration from disbursing any funds to paper machinery company."

SUBSERIES I (I.I): NOTEWORTHY DECISIONS SELECTED BY JUDGE OAKES' LAW CLERKS, 1972-1988

BOX #	FOLDER #	DECISION	DESCRIPTION
4	1-2	<i>Huntington Branch, N.A.A.C.P. v. Town of Huntington</i> , 844 F.2d 926 (2d Cir. 1988).	The Second Circuit considers “whether an overwhelmingly white suburb’s zoning regulation, which restricts private multi-family housing projects to a largely minority ‘urban renewal area,’ and the Town Board’s refusal to amend that ordinance to allow construction of subsidized housing in a white neighborhood violates the Fair Housing Act.”
4	3-5	<i>Carlin Communications v. F.C.C.</i> , 749 F.2d 113 (2d Cir. 1984).	Challenge to the FCC’s regulation of “dial-a-porn” services.
4	6-8	In re Grand Jury Subpoena Served Upon John Doe (<i>Richard Roe v. U.S.A.</i>), 781 F.2d 238 (2d Cir. 1985).	The Second Circuit considered a district court judgment denying attorney Barry I. Slotnick motion to quash a grand jury subpoena duces tecum served upon him in connection with the investigation of the organized crime activities of his client, Anthony Colombo.
4	9-10	<i>U.S. v. Borello</i> , 766 F.2d 46 (2d Cir. 1985).	Defendant “appeals from his conviction of attempting to introduce ‘adult’ films into the United States by means of false statements, in violation of 18 U.S.C. § 542 (1982) and smuggling the films into the United States, in violation of 18 U.S.C. § 545 . . .”
4	11-13	<i>Yiu Sing Chun v. Sava</i> , 708 F.2d 869 (2d Cir. 1983).	“This case presents the question whether aliens who are stowaways seeking political asylum are entitled to a hearing before an immigration judge after their applications for asylum have been denied by an Immigration and Naturalization Service (INS) District Director.”

SUBSERIES I (I.I): NOTEWORTHY DECISIONS SELECTED BY JUDGE OAKES' LAW CLERKS, 1972-1988

BOX #	FOLDER #	DECISION	DESCRIPTION
4	14-15	<i>Board of Education of City School District of New York v. Califano</i> , 584 F.2d 576 (2d Cir. 1978).	The Second Circuit addresses “whether in passing upon applications for grants of Emergency School Aid Act (ESAA) . . . funds the Department of Health, Education and Welfare (HEW) must apply a constitutional standard of intentional discrimination as delineated by the Supreme Court . . . or whether the ESAA as supplemented by HEW regulations permits application of a disproportionate impact standard of discrimination.”
4 5	16– 3	<i>U.S. v. Cambindo Valencia</i> , 609 F.2d 603 (2d Cir. 1979).	“This appeal is from convictions of ten defendants for conspiracy to commit narcotics offenses . . . , from convictions of several for the commission of substantive narcotics offenses . . . , and from a conviction of one defendant, Jose Esteban Cambindo Valencia (Cambindo), . . . for conducting a ‘continuing criminal enterprise’”
5	4-5	<i>Bevevino v. Saydjari</i> , 574 F.2d 676 (2d Cir. 1978).	Appeal of a medical malpractice verdict for the plaintiff.
5	6-9	<i>Herbert v. Lando</i> , 568 F.2d 974 (2d Cir. 1977).	The Second Circuit examines “scope of protection afforded by the First Amendment to the compelled disclosure of the editorial process. . . . The Second Circuit questions whether, and to what extent, a public figure bringing a libel action may inquire into a journalist’s thoughts, opinions and conclusions in preparing a broadcast”

SUBSERIES I (I.I): NOTEWORTHY DECISIONS SELECTED BY JUDGE OAKES' LAW CLERKS, 1972-1988

BOX #	FOLDER #	DECISION	DESCRIPTION
5	10-12	<i>Evans v. Lynn</i> , 537 F.2d 571 (2d Cir. 1975).	“This appeal involves a legal challenge against policies of federal agencies said to flout the requirements of Title VI of the 1964 Civil Rights Act . . . , and Title VIII (Fair Housing) of the 1968 Civil Rights Act, . . .”
5	13-14	<i>Dublino v. New York State Department. of Social Services</i> , 348 F.Supp. 290 (W.D.N.Y., 1972).	“This is an action challenging the constitutionality of various provisions of the New York Social Welfare Law and regulations of the state Department of Social Services, . . . commonly known as the New York Work Rules.”

SUBSERIES I (I.I): NOTEWORTHY DECISIONS SELECTED BY LUCY MCVITTY WEBER, 1971-2001

BOX #	FOLDER #	DECISION	DESCRIPTION
6	1-8	<i>In re Austrian, German Holocaust Litigation</i> , 250 F.3d 156 (2d Cir. 2001).	The Second Circuit considers “mandamus petitions [that] center on multi-national efforts to provide restitution and compensation for victims of the Holocaust, resulting in agreements on July 17, 2000, to which the United States of America and the Federal Republic of Germany were parties (collectively the “Compact”), for, inter alia, the creation of the German Foundation “Remembrance, Responsibility, and the Future” (the “German Foundation” or “Foundation”), an extrajudicial entity designed to provide expedited payments to approximately one million persons who have claims of personal injuries and property loss arising from the Holocaust.”
6	9	<i>U.S. v. Milken</i>	Motion for Stay.
6 7	10– 2	<i>Republic of Philippines v. Marcos</i> , 688 F.2d 954 (2d Cir. 1989). <i>Canadian Land Co. v. Bernstein</i> ; <i>Republic of Philippines v. New York Land Co.</i> , 852 F.2d 33 (2d Cir. 1988); and, <i>Republic of Philippines v. Marcos</i> , 806 F.2d 344 (2d Cir. 1986).	“Action brought by Republic of Philippines requesting federal court to determine ownership of properties located within United States and seeking preliminary injunction prohibiting transfer or encumbrance of properties by former president and wife could not be dismissed on forum non conveniens grounds in that assets in dispute were pieces of real property fixed and immovable and located within forum.”
7	3-7	<i>U.S. v. New York Times Co.</i> , 444 F.2d 544 (2d Cir. 1971).	The “Pentagon Papers Case” addressed whether a Prior Restraint on the press could be justified under the First Amendment. Judge Oakes’ dissenting opinion was in agreement with what would become the U.S. Supreme Court’s eventual decision against the government, just days later.

APPENDIX B: LAW CLERKS OF JUDGE JAMES L. OAKES, 1970-2007

YEAR

NAME

1970	J. Eric Anderson
1970-1971	Karen McAndrew
1971-1972	Frederick deG. Harlow, James C. Moore II
1972-1973	Geoffrey B. Shields, Andrew Schepard
1973-1974	William F. Funk, Larry L. Simms
1974-1975	Candace S. Kovacic, Anthony M. Feeherry
1975-1976	Catherine P. Hancock, Kent L. Jones
1976-1977	Bruce A. Baird, Phillip L. Spector
1977-1978	Sondra E. Berchin, Elliot E. Polebaum
1978-1979	Benna Solomon, Kenneth Simons
1979-1980	Paul Smith, Jerold Kayden
1980-1981	Diana Pritchard, Kenneth Juster, Elizabeth Samuels
1981-1982	Bruce Green, Kathleen Sullivan, Alan Madans
1982-1983	Thomas Rollins, Stephen J. MacIsaac, Gay Gellhorn
1983-1984	Annmarie Levins, Mark Schneider, Jeffrey Leeds
1984-1985	Mylse Kuwahara, Paul J. Van de Graaf, Ruth Landstrom
1985-1986	Margaret Raymond, William Treanor, David Goldstein
1986-1987	Timothy S. Bishop, Michael Doss, J. Anthony Downs
1987-1988	Kevin Kearney, Sharon Werner, Debra Cohn
1988-1989	Carroll Dorgan, Nina Morais, Susan Beesley, Jennifer Elrod
1989-1990	Michael Davis, Preea Bansal, Jeffrey Meyer, Thomas Rubin
1990-1991	Tigran Eldred, Julie Katzman, Carl Coleman, Nancy Mahon
1991-1992	Peter Kunin, Craig Alexander, Eric Lieberman, Howard Erichson
1992-1993	Caroline Fredrickson, Ann Reed, Max Stier
1993-1994	Anne Lofaso, Michael Dawson
1994-1995	Frances Bivens, Eric Bentley Jr.
1995-1996	Elizabeth Catlin, Elizabeth Hawkins
1996-1997	Joshua Gray, Judith Taber
1997-1998	Laura E. Bradford, Miriam V. Hallbauer
1998-1999	Elizabeth A. Nowicki, Paige Chabora
1999-2000	Elizabeth J. Catlin, Emma Ketteringham
2000-2001	Elizabeth J. Catlin, Maria Sererian
2001-2002	Elizabeth J. Catlin, Mariya Seacrest
2002-2003	Elizabeth J. Catlin, Elizabeth A. York
2003-2004	Elizabeth J. Catlin, Ines de Cromburgghe
2004-2005	Elizabeth J. Catlin to 4/29/05, Patricia A. Killigrew from 5/1/05, Ines de Cromburgghe to 7/1/05
2005-2006	Patirica A. Killigrew to 9/30/06, Jo F. Weingarten to 8/25/06

Chambers officially closed January 31, 2007



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