

**Guide to the  
Papers of the  
Honorable Judge  
James L. Oakes, c.1949-2005**

Collection Number:  
**Oakes-1**

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## Table of Contents

### Description of the Papers

Biographical Sketch of Judge James L. Oakes.....	1
Provenance.....	2
Scope and Content Note.....	2
Series Breakdown.....	3
Series Descriptions.....	3
Series I: Selected Cases Decisions of Judge Oakes, 1971-2005:	
Subseries I (I.I): Noteworthy Decisions Selected by Judge Oakes, 1980-2005.....	4
Subseries II (I.II): Noteworthy Environmental Decisions, 1973-2004.....	4
Subseries III (I.III): Noteworthy Decisions Selected by Judge Oakes'	
Law Clerks, 1972-1988.....	4
Subseries IV (I.IV): Noteworthy Decisions Selected by Lucy McVitty	
Weber, 1971-2001.....	4
Series II: Personal Files, c1949-2004.....	5
Related Materials.....	5

### Box Contents Listing and Appendices

I.I: Noteworthy Decisions Selected by Judge Oakes, 1980-2005.....	8
I.II: Noteworthy Environmental Decisions, 1973-2004.....	10
I.III: Noteworthy Decisions Selected by Judge Oakes' Law Clerks, 1972-1988.....	12
I.IV: Noteworthy Decisions Selected by Lucy McVitty Weber, 1971-2001.....	14
II: Personal Files, c1949-2004.....	16
A Appendix A: Case Descriptions and Box/ Folder Locations Cross-Reference- Series I:	
Selected Cases Decisions of Judge Oakes, 1971-2005.....	22
B Appendix B: List of Judge Oakes' Clerks, 1970-2006.....	28

### 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.

From this time through 1950, Oakes clerked twice (1947-1948 and 1949-1950) for the Honorable Harrie Brigham Chase, Judge for the Second Circuit Court of Appeals (who held the position that Judge Oakes would himself be appointed to). Oakes also became an associate at the law firm of McCutcheon, Thomas, Matthews, Griffith, & Green in San Francisco, CA, and was part of the firm from 1948 to 1949. In 1949, he was admitted to the California Bar, and in 1950 was admitted to the Vermont Bar. Shortly thereafter, he became a partner in the Bennington, VT law firm of Gannett & Oakes (1950-1964) and Gannett, Oakes & Weber (1964 -1966). From the time of his relocation to Vermont from California in 1950, he was ever after a resident of the state. Oakes had a brief career in Vermont state politics, serving as a state senator from Windham County from 1961 to 1965. He was later elected Attorney General, and served from 1967 until 1969.

In 1970, President Richard Nixon appointed Oakes judge to the United States District Court for the District of Vermont, where he served but one year until May of 1971. Then in 1971, he was elevated to judge to the United States Court of Appeals, Second Circuit, by President Nixon. In January of 1989, he was appointed Chief Judge of the Second Circuit. He stepped down as Chief Judge in 1992, but remained on the Court under Senior Judge status until he retired in January of 2007. The closing of his office on Pearl Street in New York in January of 2007 ended a nearly 37-year career as judge.

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 at the New York University Law School in 1979. He also spoke at the University of Michigan Law School Murray Lecture in 1982. He wrote about copyright issues and testified at a joint US House and Senate committee hearing on intellectual property rights, copyright, and trademarks in 1990. He was on the Ad Hoc Committee on Habeas Corpus Reform in Capital Cases (the Powell Committee) from 1989-1991. He participated in communications law conferences and programs on topics related to cases he was involved in during his tenure as judge in the Second Circuit Court of Appeals, such as 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 Second Circuit's hearing of the Pentagon Papers case that was later adopted by the US Supreme Court when it overturned the second Circuit's decision, something the judge was very proud of. He contributed opinions that strengthened environmental law, expanded procedural rights for people accused of crimes, and barred sexual discrimination in education.

James L. Oakes died on October 13, 2007 in Martha's Vineyard. He is survived by his wife, Mara Williams of Brattleboro, VT, and a brother, John D. F. Oakes of Wayne, PA. He also is

survived by three children from a previous marriage: James L. Oakes, Jr. of Fairfield, CT; Elizabeth H. Oakes of Baltimore, RI; and, Cynthia O. Meketa of Bonsall, CA, as well as four stepchildren and six grandchildren.

Judge Oakes was recognized by many as a brilliant jurist on the Second Circuit Court of Appeals, which hears appeals from New York, Connecticut, and Vermont. He was known for possessing a keen intellect, but without prejudice for one's status or title. He prided himself on treating everyone with respect and regard, and claimed friends from many levels of society: judges, government officials, senators and governors, as well as farmers and neighbors. Judge Oakes felt a responsibility to all people while in his role of judge and was constantly aware of the effects of court rulings on people from all walks of life. He was appreciated by the scores of people who clerked for him, many of whom went on to distinguished careers in legal and other professions, including Vermont Law School President and Dean Geoffrey B. Shields.

Judge Oakes was on the Board of Trustees for the Vermont Law School for 30 years and was honored by having the main building named for him and his late wife: The James L. and Evelena 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.

Judge Oakes was also highly regarded and beloved by fellow judges and their staffs. He was always available to mentor, and always highlighted the positive in the clerks that worked for him and his colleagues. The principles that Judge James L. Oakes stood for were evident in his decisions and opinions. He treated everyone with respect and dignity. He cared for people and he cared 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.

### **Scope and Content Note**

The Papers of the Honorable Judge James L. Oakes (10 boxes, 13.0 linear feet) contain bench notes, reviews of self-authored legal journal articles, reprints of (Judge Oakes') and other legal journal articles, article publication 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 do not appear to be complete case files, such as

those held in the Second Circuit's headquarters in New York City, the files do amply represent the thought processes, research, and discussions and debates between judges in deciding cases, and 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. They also reveal some of the background of the assessments made by many lawyers, prosecutors, and other judges as to his professionalism, thoroughness, fairness, and respected ability to render well-considered, and technically and analytically sound opinions.

The papers also reveal events that Judge Oakes was involved in over the years, due to his experiences in deciding cases of important legal precedent. These cases include the Pentagon Papers case (US v. New York Times, 1971) involving the governments attempt to force the NY times to cease publication of information obtained from and claimed as classified documents by the U.S. government. Also figuring prominently in the papers is Herbert v. Lando, 1977, the defamation case brought against writer/producer Barry Lando by retired Army officer Anthony Herbert, in relation to a *60 Minutes* CBS television show focusing on Herbert. Both 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 those cases and his role in the adjudication of those cases and their eventual effect on American law and society.

### Series Breakdown

The Papers of the Honorable Judge James L. Oakes are arranged into two 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 Descriptions

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

With the exception of Subseries I (I.I), each subseries' files are arranged in date-descending reverse-chronological order (most recent to oldest) within each box. However, without exception, every series and subseries file contents are organized solely on the basis of date-descending order. Materials are dated when a date can be ascertained where none was given. Documents are marked as undated (or "n.d.") when no date could be determined. When there was any question as to where materials could be identified as to their proper location within the folder contents, they were left in their original location. Generally, dates of photocopied original 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 Judge Oakes for their importance and relevance in everyday life and how they may affect everyone from the general public to corporations and 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 (earliest) 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 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 (as of December 2006). Of note in this series is the case *Southview Associates Limited v. Bongartz*, 980 F2d 84 (2nd Circuit 1992). Judge Oakes opinion upheld Vermont's Act 250 statute 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 denial amounted to a physical or regulatory taking. The plaintiff's appeal was denied by the Second Circuit in Judge Oakes opinion.

**Series I, Subseries III (I.III):** Noteworthy Decisions Selected by Judge Oakes' Law Clerks, 1972-1988 (2 boxes, 3.0 linear feet), contains cases selected by Judge Oakes' many law clerks over his 35-year tenure on the Second Circuit Court of Appeals. While it isn't clearly defined which clerk made any specific selection, it can be deduced from the list of individuals who clerked for him (see Appendix B: List of Judge Oakes' Clerks, 1970-2006) which clerks (as a group) are responsible for each year's selected cases. Most recognizable in the group is *Herbert v. Lando*, 1977, the famous case brought against Barry Lando of the CBS television program 60 Minutes for defamation against Anthony Herbert. This case, another eventually heard by the US Supreme Court, weighed the question of how much a well-known figure that brings a libel action can inquire into a journalists 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 those cases hand-picked by NH State Representative Lucy McVitty Weber, mainly for their topics and subject-matter. Lucy Weber was instrumental in the selection and gathering of the Oakes Papers before they were given to the Vermont Law School. Ms. Weber was at the time and is now the representative to the State of NH House of Representatives for Cheshire County District 2 and lives in Walpole, NH.

**Series II:** Personal Files, c1949-2004 (3 boxes, 4.5 linear feet), contains material related to the cases Judge Oakes presided over, but not as business conducted by the Second Circuit Court of Appeals. Much of this series pertains to lectures, conferences, and published articles by Judge Oakes. It also contains materials relevant to the memorial given for the late Judge Sterry R. Waterman, Second Circuit Court of Appeals, in September of 1984, in 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 documents 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.* University of Michigan Journal of Law Reform v.15, #3, (497) Spr. 1982;  
*Proof of Actual Malice in Defamation Actions: An Unsolved Dilemma.* Hofstra Law Review v. 7 #3, Spr. 1979; and,  
*The Proper Role of the Federal Courts in Enforcing the Bill of Rights.* New York University Law Review, v. 54 (911), 1979

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

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 case has a corresponding box/ folder location that identifies where in the papers it is located.

**Appendix B: List of Judge Oakes' Clerks, 1970-2006**, is a list of all the people who clerked for Judge Oakes in his 34 years as judge for 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 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 attained via interlibrary loan:

### Books in the 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

#### Some Articles and Book Contributions Available Through Electronic Resources

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

*The Second Circuit Review -- 1981-1982 Term: Foreword: The Status Of Sandstrom In The Second Circuit*. Brooklyn Law Review, Sum. 1983, 49 (641)

Book Review: *Strict Construction Eschewed: Values Redeveloped. Constitutional Choices* by Laurence Tribe, reviewed by James L. Oakes. Harvard Law Review, Feb 1986, 99 862

*Survey Of Books Relating To The Law: I. The Federal Courts And The Constitution: Tolerance Theory And The First Amendment. The Tolerant Society: Free Speech And Extremist Speech In America.* by Lee C. Bollinger, James L. Oakes. Michigan Law Review, Apr, 1987 / May, 1987, 85 (1135)

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

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

*Memorial To Harold R. Medina*. Columbia Law Review, Oct 1990, 90 (1459)

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

Book Review: *The Tenth Justice*. Brooklyn Law Review, Sum. 1994, 60 (831)

Book Review: *Hans Linde's Constitutionalism, Intellect and Craft: The Contributions of Justice Hans Linde to American Constitutionalism*. Edited by Robert F. Nagel, Reviewed by James L. Oakes  
Oregon Law Review, Win. 1995, 74 (1413)

Book Review: *On Appeal: Courts, Lawyering, and Judging*. Yale Law Journal, Jun 1995, 104 (2369)

Tribute: *Jack Weinstein And His Love-hate Relationship With The Court Of Appeals*. Columbia Law Review, Nov 1997, 97 (1951)

The Fifth Annual Frankel Lecture: *Commentary: The Dead Sea Scrolls: A Live Copyright Controversy*. Houston Law Review, Spr. 2001, 38 (219)

**Series I: Selected Case Decisions of Judge Oakes, 1971-2005-**  
**Subseries I (I.I): Noteworthy Decisions Selected by Judge Oakes, 1980-2005**

Box No.	Folder No.	Description	Date
1	1	<u>North Haven Board of Education v. Hufstedler</u> , 629 F.2d 773 (2d Cir. 1980).	Apr 1980-Aug 1982
1	2	<u>Barnes v. Jones</u> , 665 F.2d 427 (2d Cir. 1981).	May 1979
1	3	<u>Harry Fox Agency, Inc. v. Mills Music, Inc.</u> , 720 F.2d 733 (2d Cir. 1983).	May 1983-May 1986
1	4	<u>Sedima, S.P.R.L. v. Imrex Co.</u> , 741 F.2d 482 (2d Cir. 1984). (1 of 3)	Jul 1984-Oct 1986
1	5	<u>Sedima, S.P.R.L. v. Imrex Co.</u> , 741 F.2d 482 (2d Cir. 1984). (2 of 3)	Feb-Jul 1984
1	6	<u>Sedima, S.P.R.L. v. Imrex Co.</u> , 741 F.2d 482 (2d Cir. 1984). (3 of 3)	Aug 1983, n.d.
1	7	<u>Philbrook v. Ansonia Board of Education</u> , 757 F.2d 476 (2d Cir. 1985).	Oct 1984-Jun 1985
1	8	<u>Morris v. Board of Estimate</u> , 831 F.2d 384 (2d Cir. 1987).	Jan 1987-Oct 1988
1	9	<u>Lamont v. Woods</u> , 948 F.2d 825 (2d Cir. 1991).	Feb 1991-Feb 1992
1	10	<u>International Society for Krishna Consciousness v. Lee</u> , 925 F.2d 576 (2d Cir. 1991).	Mar 1990-Jul 1992
1	11	<u>U.S. v. Bryser</u> , 954 F.2d 79 (2d Cir. 1992).	Aug 1991-Mar 1992
1	12	<u>Latsis v. Chandris, Inc.</u> , 20 F.3d 45 (2d Cir. 1994).	Jan 1994-Jun 1995
1	13	<u>Buckley v. Metro-North Commuter R.R.</u> , 79 F.3d 1337 (2d Cir. 1996).	Dec 1995-Mar 1998
1	14	<u>Agard v. Portuondo</u> , 117 F.3d 696 (2d Cir. 1997). (1 of 3)	Jul 1997-Apr 2000
1	15	<u>Agard v. Portuondo</u> , 117 F.3d 696 (2d Cir. 1997). (2 of 3)	Apr-Jun 1997
1	16	<u>Agard v. Portuondo</u> , 117 F.3d 696 (2d Cir. 1997). (3 of 3)	Early 1997?
1	17	<u>Guidi v. Inter-Continental Hotels Corp.</u> , 203 F.3d 180 (2d Cir. 2000); <u>Guidi v. Inter-Continental Hotels Corp.</u> , 224 F.3d 142 (2d Cir. 2000). (1 of 2)	Jul-Sep 2000

**Series I: Selected Case Decisions of Judge Oakes, 1971-2005-**  
**Subseries I (I.I): Noteworthy Decisions Selected by Judge Oakes, 1980-2005**

Box	Folder		
<u>No.</u>	<u>No.</u>	<u>Description</u>	<u>Date</u>
2	1	<u>Guidi v. Inter-Continental Hotels Corp.</u> , 203 F.3d 180 (2d Cir. 2000); <u>Guidi v. Inter-Continental Hotels Corp.</u> , 224 F.3d 142 (2d Cir. 2000). (2 of 2)	Nov 1999-Jul 2000
2	2	<u>St. Cyr v. I.N.S.</u> , 229 F.3d 406 (2d Cir. 2000). (1 of 2)	Aug 2000-Jun 2001
2	3	<u>St. Cyr v. I.N.S.</u> , 229 F.3d 406 (2d Cir. 2000). (2 of 2)	Mar-Aug 2000
2	4	<u>Calcano-Martinez v. I.N.S.</u> , 232 F.3d 328 (2d Cir. 2000). (1 of 2)	Jun 2000-Aug 2001
2	5	<u>Calcano-Martinez v. I.N.S.</u> , 232 F.3d 328 (2d Cir. 2000). (2 of 2)	Feb-Jun 2000
2	6	<u>Magan v. Lufthansa German Airlines</u> , 339 F.3d 158 (2d Cir. 2003).	Jul-Nov 2003
2	7	<u>Konits v. Valley Stream Central High School District</u> , 394 F.3d 121 (2d Cir. 2005).	Nov 2004-Feb 2005

**Series I: Selected Case Decisions of Judge Oakes, 1971-2005-  
Subseries II (I.II): Noteworthy Environmental Decisions, 1973-2004**

Box No.	Folder No.	Description	Date
3	1	<u>Natural Resources Defense Council v. Abraham</u> , 355 F.3d 179 (2d Cir. 2004). Dockets: 01-4102, 01-4103, 02-4160, 02-4189, 02-6139. (1 of 3)	May-Jul 2004
3	2	<u>Natural Resources Defense Council v. Abraham</u> , 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	<u>Natural Resources Defense Council v. Abraham</u> , 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	<u>Western Mohegan Tribe and Nation of New York v. New York</u> , 246 F.3d 230 (2d Cir. 2001).	Jan-May 2001
3	5	<u>New York State Trawlers Ass'n v. Jorling</u> , 16 F.3d 1303 (2d Cir. 1994).	Nov 1993-Jan 1994
3	6	<u>Southview Associates v. Bongartz</u> , 980 F.2d 84 (2d Cir. 1992). (1 of 2)	Oct 1992-Apr 1993
3	7	<u>Southview Associates v. Bongartz</u> , 980 F.2d 84 (2d Cir. 1992). (2 of 2)	May-Sep 1992
3	8	<u>New York v. Shore Realty Corp.</u> , 763 F.2d 49 (2d Cir. 1985).	Nov 1984-Apr 1985
3	9	<u>Friends of Shawangunks, Inc. v. Clark</u> , 754 F.2d 446 (2d Cir. 1985).	Oct 1984-Jan 1985
3	10	<u>Waterbury Action to Conserve Our Heritage Inc. v. Harris</u> , 603 F.2d 310 (2d Cir. 1979). (1 of 3)	Jun 1979-Apr 1981
3	11	<u>Waterbury Action to Conserve Our Heritage Inc. v. Harris</u> , 603 F.2d 310 (2d Cir. 1979). (2 of 3)	Mar-May 1979
3	12	<u>Waterbury Action to Conserve Our Heritage Inc. v. Harris</u> , 603 F.2d 310 (2d Cir. 1979). (3 of 3)	Mar 1979?, n.d.
3	13	<u>Greene County Planning Board v. Federal Power Commission</u> , 559 F.2d 1227 (2d Cir. 1976).	Oct 1975-Sep 1977

**Series I: Selected Case Decisions of Judge Oakes, 1971-2005-**  
**Subseries II (I.II): Noteworthy Environmental Decisions, 1973-2004**

Box Folder

<u>No.</u>	<u>No.</u>	<u>Description</u>	<u>Date</u>
3	14	<u>City of Rochester v. U.S. Postal Service</u> , 541 F.2d 967 (2d Cir. 1976).	Jun-Nov 1976
3	15	<u>Proetta v. Dent</u> , 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 No.	Folder No.	Description	Date
4	1	<u>Huntington Branch, N.A.A.C.P. v. Town of Huntington</u> , 844 F.2d 926 (2d Cir. 1988). (1 of 2)	Mar-Jun 1988
4	2	<u>Huntington Branch, N.A.A.C.P. v. Town of Huntington</u> , 844 F.2d 926 (2d Cir. 1988). (2 of 2)	Feb-Mar 1988
4	3	<u>Carlin Communications v. F.C.C.</u> , 749 F.2d 113 (2d Cir. 1984). (1 of 3)	Mar-May 1988
4	4	<u>Carlin Communications v. F.C.C.</u> , 749 F.2d 113 (2d Cir. 1984). (2 of 3)	Feb 1988
4	5	<u>Carlin Communications v. F.C.C.</u> , 749 F.2d 113 (2d Cir. 1984). (3 of 3)	May 1987-Jan 1988
4	6	<u>In re Grand Jury Subpoena Served Upon John Doe (Richard Roe v. U.S.A.)</u> , 781 F.2d 238 (2d Cir. 1985). (1 of 3)	Dec 1985-Jan 1986
4	7	<u>In re Grand Jury Subpoena Served Upon John Doe (Richard Roe v. U.S.A.)</u> , 781 F.2d 238 (2d Cir. 1985). (2 of 3)	Oct-Nov 1985
4	8	<u>In re Grand Jury Subpoena Served Upon John Doe (Richard Roe v. U.S.A.)</u> , 781 F.2d 238 (2d Cir. 1985). (3 of 3)	Jul-Sep 1985
4	9	<u>U.S. v. Borello</u> , 766 F.2d 46 (2d Cir. 1985). (1 of 2)	May-Jun 1985
4	10	<u>U.S. v. Borello</u> , 766 F.2d 46 (2d Cir. 1985). (2 of 2)	Mar-May 1985
4	11	<u>Yiu Sing Chun v. Sava</u> , 708 F.2d 869 (2d Cir. 1983). (1 of 3)	May-Jun 1983
4	12	<u>Yiu Sing Chun v. Sava</u> , 708 F.2d 869 (2d Cir. 1983). (2 of 3)	Feb-May 1983
4	13	<u>Yiu Sing Chun v. Sava</u> , 708 F.2d 869 (2d Cir. 1983). (3 of 3)	Feb 1983
4	14	<u>Board of Education of City School District of New York v. Califano</u> , 584 F.2d 576 (2d Cir. 1978). (1 of 2)	Nov 1979-May 1980
4	15	<u>Board of Education of City School District of New York v. Califano</u> , 584 F.2d 576 (2d Cir. 1978). (2 of 2)	May-Nov 1979

**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 No.	Folder No.	Description	Date
4	16	<u>U.S. v. Cambindo Valencia</u> , 609 F.2d 603 (2d Cir. 1979). (1 of 5)	Dec 1979-Jan 1980
4	17	<u>U.S. v. Cambindo Valencia</u> , 609 F.2d 603 (2d Cir. 1979). (2 of 5)	Apr-Dec 1979
5	1	<u>U.S. v. Cambindo Valencia</u> , 609 F.2d 603 (2d Cir. 1979). (3 of 5)	Apr(?) -Jun 1979
5	2	<u>U.S. v. Cambindo Valencia</u> , 609 F.2d 603 (2d Cir. 1979). (4 of 5)	Apr(?) 1979
5	3	<u>U.S. v. Cambindo Valencia</u> , 609 F.2d 603 (2d Cir. 1979). (5 of 5)	Aug 1978-Apr 1979
5	4	<u>Bevevino v. Saydjari</u> , 574 F.2d 676 (2d Cir. 1978). (1 of 2)	Mar-Apr 1978
5	5	<u>Bevevino v. Saydjari</u> , 574 F.2d 676 (2d Cir. 1978). (2 of 2)	Nov 1977-Feb / Mar 1978
5	6	<u>Herbert v. Lando</u> , 568 F.2d 974 (2d Cir. 1977). (1 of 4)	Oct 1978-Jun 1979, Jun 1986
5	7	<u>Herbert v. Lando</u> , 568 F.2d 974 (2d Cir. 1977). (2 of 4)	Oct 1977-May 1978
5	8	<u>Herbert v. Lando</u> , 568 F.2d 974 (2d Cir. 1977). (3 of 4)	Oct(?) 1977
5	9	<u>Herbert v. Lando</u> , 568 F.2d 974 (2d Cir. 1977). (4 of 4)	Feb-Oct 1977
5	10	<u>Evans v. Lynn</u> , 537 F.2d 571 (2d Cir. 1975). (1 of 3)	Mar 1976-Nov 1977
5	11	<u>Evans v. Lynn</u> , 537 F.2d 571 (2d Cir. 1975). (2 of 3)	May 1975-Feb / Mar 1976
5	12	<u>Evans v. Lynn</u> , 537 F.2d 571 (2d Cir. 1975). (3 of 3)	Oct 1974-Apr 1975
5	13	<u>Dublino v. New York State Department. of Social Services</u> , 348 F.Supp. 290 (W.D.N.Y., 1972). (1 of 2)	Mar-Aug 1972
5	14	<u>Dublino v. New York State Department. of Social Services</u> , 348 F.Supp. 290 (W.D.N.Y., 1972). (2 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		
<u>No.</u>	<u>No.</u>	<u>Description</u>	<u>Date</u>
6	1	<u>In re Austrian, German Holocaust Litigation</u> , 250 F.3d 156 (2d Cir. 2001). (1 of 8)	Sep-Oct 2001
6	2	<u>In re Austrian, German Holocaust Litigation</u> , 250 F.3d 156 (2d Cir. 2001). (2 of 8)	Sep 2001
6	3	<u>In re Austrian, German Holocaust Litigation</u> , 250 F.3d 156 (2d Cir. 2001). (3 of 8)	Aug 2001
6	4	<u>In re Austrian, German Holocaust Litigation</u> , 250 F.3d 156 (2d Cir. 2001). (4 of 8)	May 2001
6	5	<u>In re Austrian, German Holocaust Litigation</u> , 250 F.3d 156 (2d Cir. 2001). (5 of 8)	Apr-May 2001
6	6	<u>In re Austrian, German Holocaust Litigation</u> , 250 F.3d 156 (2d Cir. 2001). (6 of 8)	Mar-Apr 2001
6	7	<u>In re Austrian, German Holocaust Litigation</u> , 250 F.3d 156 (2d Cir. 2001). (7 of 8)	Mar 2001
6	8	<u>In re Austrian, German Holocaust Litigation</u> , 250 F.3d 156 (2d Cir. 2001). (8 of 8)	Feb 2001
6	9	<u>U.S. v. Milken</u>	Oct 1990
6	10	<u>Republic of Philippines v. Marcos</u> , 888 F.2d 954 (2d Cir. 1989). <u>Canadian Land Co. v. Bernstein</u>	May 1989-Dec 1990
6	11	<u>Republic of Philippines v. New York Land Co.</u> , 852 F.2d 33 (2d Cir. 1988)	Apr-Jul 1988
6	12	<u>Republic of Philippines v. Marcos</u> , 806 F.2d 344 (2d Cir. 1986). (1 of 7)	Nov 20, 1986-Jan 15, 1987
6	13	<u>Republic of Philippines v. Marcos</u> , 806 F.2d 344 (2d Cir. 1986). (2 of 7)	Jul 22-Aug 5, 1986
6	14	<u>Republic of Philippines v. Marcos</u> , 806 F.2d 344 (2d Cir. 1986). (3 of 7)	Jul 1-18, 1986
6	15	<u>Republic of Philippines v. Marcos</u> , 806 F.2d 344 (2d Cir. 1986). (4 of 7)	Jun(?) 1986 (1 of 2)
6	16	<u>Republic of Philippines v. Marcos</u> , 806 F.2d 344 (2d Cir. 1986). (5 of 7)	Jun(?) 1986 (2 of 2)
7	1	<u>Republic of Philippines v. Marcos</u> , 806 F.2d 344 (2d Cir. 1986). (6 of 7)	Jun 23-27, 1986
7	2	<u>Republic of Philippines v. Marcos</u> , 806 F.2d 344 (2d Cir. 1986). (7 of 7)	Jun 4-20, 1986

**Series I: Selected Cases Decisions of Judge Oakes, 1971-2005-**  
**Subseries IV (I.IV): Noteworthy Decisions Selected by Lucy McVitty Weber, 1971-2001**

Box No.	Folder No.	Description	Date
7	3	<u>U.S. v. New York Times Co.</u> , 444 F.2d 544 (2d Cir. 1971). (1 of 5) Unsealing of 1971 U.S. government's "Special Appendix", filed during case.	Jan-Sep 1996
7	4	<u>U.S. v. New York Times Co.</u> , 444 F.2d 544 (2d Cir. 1971). (2 of 5)	Jun-Jul 1971, Fall 1980, Spring 1982
7	5	<u>U.S. v. New York Times Co.</u> , 444 F.2d 544 (2d Cir. 1971). (3 of 5)	Jun 21-23, 1971
7	6	<u>U.S. v. New York Times Co.</u> , 444 F.2d 544 (2d Cir. 1971). (4 of 5)	Jun 21, 1971
7	7	<u>U.S. v. New York Times Co.</u> , 444 F.2d 544 (2d Cir. 1971). (5 of 5)	Jun 18-21, 1971

**Series II: Personal Files, c1949-2004**

<u>Box No.</u>	<u>Folder No.</u>	<u>Description</u>	<u>Date</u>
8	1	American Bar Association Forum on Communications Law 9th Annual Conference (plenary session, " <i>Herbert v Lando</i> : 25 Years After..."). Boca Raton, FL. Judge Oakes, session participant, Jan 22-24, 2004	[1977-] Jan 2004
8	2	Federal Bar Council Program: "Thirty Years After the Pentagon Papers: Examining the Rights to Know and to Tell in the Information Age", New York, NY. 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 Hofstra Law Review: <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

**Series II: Personal Files, c1949-2004**

<u>Box No.</u>	<u>Folder No.</u>	<u>Description</u>	<u>Date</u>
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.: VBA- Vermont Bar Journal and Law Digest, Vermont Law Review, Brooklyn Law Review	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	22	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)	Apr 1981-Mar 1982
8	23	University of Michigan Journal of Law Reform (Murray Lecture) speech and publication: <i>The Doctrine of Prior Restraint Since the Pentagaon Papers</i> . v. 15, # 3, 1982. Research materials (2 of 4)	1979-1980

**Series II: Personal Files, c1949-2004**

<u>Box No.</u>	<u>Folder No.</u>	<u>Description</u>	<u>Date</u>
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
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	Judge Oakes' Hofstra Law Review article <i>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 <i>24 Hours in the Life of a Federal Judge</i> 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

**Series II: Personal Files, c1949-2004**

Box No.	Folder No.	Description	Date
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
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(?)

**Series II: Personal Files, c1949-2004**

Box No.	Folder No.	Description	Date
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(?)
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, Oct 24, 1979, NY Univ. 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 of 16)	Mar 1978-Sep 1979

**Series II: Personal Files, c1949-2004**

Box No.	Folder No.	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, Oct 24, 1979, NY Univ. 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.

Appendix A- Case Descriptions and Series / Box / Folder Locations  
Cross-Reference- Series I: Selected Cases Decisions of Judge Oakes, 1971-2005

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

<p><u>North Haven Board of Education v. Hufstедler</u>, 629 F.2d 773 (2d Cir. 1980).</p> <p>.</p> <p><b>Box 1, Folder 1</b></p>	<p>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.</p>
<p><u>Barnes v. Jones</u>, 665 F.2d 427 (2d Cir. 1981).</p> <p>.</p> <p><b>Box 1, Folder 2</b></p>	<p>"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."</p>
<p><u>Harry Fox Agency, Inc. v. Mills Music, Inc.</u>, 720 F.2d 733 (2d Cir. 1983).</p> <p>.</p> <p><b>Box 1, Folder 3</b></p>	<p>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 . . ."</p>
<p><u>Sedima, S.P.R.L. v. Imrex Co.</u>, 741 F.2d 482 (2d Cir. 1984).</p> <p><b>Box 1, Folders 4-6</b></p>	<p>This case involves the private right of action found in the Racketeer Influenced and Corrupt Organizations Act.</p>
<p><u>Philbrook v. Ansonia Board of Education</u>, 757 F.2d 476 (2d Cir. 1985).</p> <p>.</p> <p><b>Box 1, Folder 7</b></p>	<p>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."</p>
<p><u>Morris v. Board of Estimate</u>, 831 F.2d 384 (2d Cir. 1987).</p> <p>.</p> <p><b>Box 1, Folder 8</b></p>	<p>"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."</p>
<p><u>Lamont v. Woods</u>, 948 F.2d 825 (2d Cir. 1991).</p> <p>.</p>	<p>"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</p>

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**Box 1, Folder 9**
- International Society for Krishna Consciousness v. Lee, 925 F.2d 576 (2d Cir. 1991).  
**Box 1, Folder 10**
- U.S. v. Bryser, 954 F.2d 79 (2d Cir. 1992).  
**Box 1, Folder 11**
- Latsis v. Chandris, Inc., 20 F.3d 45 (2d Cir. 1994).  
**Box 1, Folder 12**
- Buckley v. Metro-North Commuter R.R., 79 F.3d 1337 (2d Cir. 1996).  
**Box 1, Folder 13**
- Agard v. Portuondo, 117 F.3d 696 (2d Cir. 1997).  
**Box 1, Folders 14-16**
- Guidi v. Inter-Continental Hotels Corp., 203 F.3d 180 (2d Cir. 2000);  
Guidi v. Inter-Continental Hotels Corp., 224 F.3d 142 (2d Cir. 2000).  
**Box 1, Folder 17- Box 2, Folder 1**
- St. Cyr v. I.N.S., 229 F.3d 406 (2d Cir. 2000).  
**Box 2, Folders 2-3**
- Calcano-Martinez v. I.N.S., 232 F.3d 328 (2d Cir. 2000).  
**Box 2, Folders 4-5**
- Magan v. Lufthansa German Airlines, 339 F.3d 158 (2d Cir. 2003).  
**Box 2, Folder 6**
- operation of religious schools abroad pursuant to ASHA program.”
- 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.”
- Defendants appeal their convictions of conspiracy, theft from interstate shipment, mail fraud, and wire fraud.
- The Second Circuit re-examines the definition of seaman under the Jones Act.
- 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.
- Appeal from the denial of the defendant’s writ of habeas corpus.
- 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.
- 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.
- 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 . . .”
- 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.

Konits v. Valley Stream Central High School District, 394 F.3d 121 (2d Cir. 2005).  
Box 2, Folder 7

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

Natural Resource Defense Council v. Abraham, 355 F.3d 179 (2d Cir. 2004).

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Box 3, Folders 1-3

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.

Western Mohegan Tribe and Nation of New York v. New York, 246 F.3d 230 (2d Cir. 2001).

Box 3, Folder 4

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.

New York State Trawlers Ass'n v. Jorling, 16 F.3d 1303 (2d Cir. 1994).

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Box 3, Folder 5

"Trawlers' association sued New York State Department of Environmental Conservation alleging that amendments to Environmental Conservation Law to prohibit trawlers from taking, landing or possessing lobsters in Long Island Sound violated the commerce clause, the equal protection and due process clauses, and the prohibition against bills of attainder in the United States Constitution."

Southview Associates v. Bongartz, 980 F.2d 84 (2d Cir. 1992).

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Box 3, Folders 6-7

"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."

New York v. Shore Realty Corp., 763 F.2d 49 (2d Cir. 1985).

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Box 3, Folder 8

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.

Friends of Shawangunks, Inc. v. Clark, 754 F.2d 446 (2d Cir. 1985).

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Box 3, Folder 9

"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."

Waterbury Action to Conserve Our Heritage Inc. v. Harris, 603 F.2d 310

Waterbury Action to Conserve Our Heritage Inc. brought suit against the defendants to stop an urban

(2d Cir. 1979).  
 Box 3, Folders 10-12

renewal project.

Greene County Planning Board v. Federal Power Commission, 559 F.2d 1227 (2d Cir. 1976).  
 Box 3, Folder 13

Plaintiffs brought suit against the Federal Power Commission alleging violations under the National Environmental Policy Act and under the Federal Power Act.

City of Rochester v. U.S. Postal Service, 541 F.2d 967 (2d Cir. 1976).  
 Box 3, Folder 14

Plaintiffs brought suit against U.S. Postal Service alleging violations of the National Environmental Policy Act and the Intergovernmental Cooperation Act.

Proetta v. Dent, 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."

Box 3, Folder 15

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

Huntington Branch, N.A.A.C.P. v. Town of Huntington, 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."

Box 4, Folders 1-2

Carlin Communications v. F.C.C., 749 F.2d 113 (2d Cir. 1984).

Challenge to the FCC's regulation of "dial-a-porn" services.

Box 4, Folders 3-5

In re Grand Jury Subpoena Served Upon John Doe (Richard Roe v. U.S.A.), 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.

Box 4, Folders 6-8

U.S. v. Borello, 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 . . ."

Box 4, Folders 9-10

Yiu Sing Chun v. Sava, 708 F.2d 869

"This case presents the question whether aliens who

(2d Cir. 1983).

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Box 4, Folders 11-13

Board of Education of City School District of New York v. Califano, 584 F.2d 576 (2d Cir. 1978).

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Box 4, Folders 14-15

U.S. v. Cambindo Valencia, 609 F.2d 603 (2d Cir. 1979).

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Box 4, Folder 16-Box 5, Folder 3

Bevevino v. Saydjari, 574 F.2d 676 (2d Cir. 1978).

Box 5, Folders 4-5

Herbert v. Lando, 568 F.2d 974 (2d Cir. 1977).

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Box 5, Folders 6-9

Evans v. Lynn, 537 F.2d 571 (2d Cir. 1975).

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Box 5, Folders 10-12

Dublino v. New York State Department of Social Services, 348 F.Supp. 290 (W.D.N.Y., 1972).

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Box 5, Folders 13-14

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."

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."

"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' . . ."

Appeal of a medical malpractice verdict for the plaintiff.

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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 . . ."

"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, . . ."

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

In re Austrian, German Holocaust

The Second Circuit considers "mandamus petitions

Litigation, 250 F.3d 156 (2d Cir. 2001).

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Box 6, Folders 1-8

[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."

U.S. v. Milken  
Box 6, Folder 9

Motion for Stay

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Republic of Philippines v. Marcos, 888 F.2d 954 (2d Cir. 1989).  
Canadian Land Co. v. Bernstein;  
Republic of Philippines v. New York Land Co., 852 F.2d 33 (2d Cir. 1988); and,  
Republic of Philippines v. Marcos, 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."

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Box 6, Folder 10-Box 7, Folder 2

U.S. v. New York Times Co., 444 F.2d 544 (2d Cir. 1971).

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Box 7, Folder 3-7

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

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	Myles 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, Preeta 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 Seferian  
2001-2002 Elizabeth J. Catlin, Mariya Seacrest  
2002-2003 Elizabeth J. Catlin, Elizabeth A. York  
2003-2004 Elizabeth J. Catlin, Ines de Crombrugghe  
2004-2005 Elizabeth J. Catlin to 4/29/05, Patricia A. Killigrew from  
5/1/05; Ines de Crombrugghe to 7/1/05  
2005-2006 Patricia A. Killigrew to 9/30/06, Jo F. Weingarten to 8/25/06

Chambers officially closed January 31, 2007