

L. RALPH MECHAM: A TRIBUTE

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This year, Ralph Mecham will complete his tenth year as Director of the Administrative Office of the United States Courts. To write about him is both easy and pleasant.

Being Director of the "A.O.," as it is called, is an unusual job, to say the least. The Director is the head of a large and influential governmental agency, charged with the administration of the entire federal judiciary, except for the Supreme Court, which is a law unto itself. The Director has broad statutory powers.¹ Yet, he is hardly his own boss. Not only does he work "under the supervision and direction of the Judicial Conference of the United States,"² which ought to be enough supervision and direction for anyone, he also, in practice, works for about 1500 federal judges, Article III and Article I, each of whom, from time to time, may seem to act like a sole monarch. I sometimes wonder how it must feel to have 1500 *de facto* bosses, in addition to twenty-seven (the number of members of the Judicial Conference) *de jure* bosses. Mr. Mecham knows the answer to this question, but he's too smart to talk about it much.

I first met Ralph Mecham in Little Rock, Arkansas, in 1985 when he began his present job. He was attending the Judicial Conference of the Eighth Circuit, held in Little Rock that year. I clearly remember an informal talk he gave at a party one night for judges and others. The quality I noticed at once was a sense of humor—a trait, certainly, that has sustained Mr. Mecham through difficult times. He began by acknowledging that he was the embodiment of one of the three persons of the "Trinity of Evil, the A.O., the GSA, and the Court of Appeals." Mr. Mecham thus deftly aligned himself with the majority of his constituency, the trial judges, many of whom, from time to time, have railed against one or the other of these three "persons."

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1. See 28 U.S.C. § 604 (1988).

2. *Id.*

The great thing about the remark, though, was the light tone in which it was delivered. We all knew it was a joke (in part, anyway). We also instantly knew that Ralph Mecham was someone who understood people and could get along with them.

On the same occasion, he even went so far as to make fun of an individual judge, though in a way completely inoffensive. G. Thomas Eisele, at that time the Chief Judge of the United States District Court for the Eastern District of Arkansas, and now a hard-working judge in senior status, was renowned (and his reputation has not diminished in this regard) as an advocate of causes and a tireless writer of circular letters. Mr. Mecham referred to him (Judge Eisele was present, of course) as "the greatest pamphleteer since Tom Paine." Everybody laughed, including Judge Eisele.

This is not the place to write the complete record of Mr. Mecham's service, not least because that service is still, happily, ongoing. But there are some milestones that can be noted with satisfaction. For one thing, a great deal of authority has been decentralized. Individual courts are now making more decisions about how to use resources efficiently. A concerted effort is being made, by means of the Subcommittee on Economy of the Budget Committee and otherwise, to control the growth and expenses and "do more with less." *The United States Courts Design Guide*,³ which sets standards for courthouse construction, is being revised to make certain that courthouse construction is no more elaborate than the public interest requires. All of these activities are being supported by an Administrative Office whose budget is, on the whole, remaining stagnant while that of the Judicial Branch as a whole has grown.⁴ The A.O. budget, as a percentage of the budget of the entire Judicial Branch, has fallen over the past few years.⁵ The first real budget increase—5.8% for the Administrative Office—is occurring now, in fiscal year 1995.⁶ The A.O.'s budget over the last four years has grown by 6%,⁷ compared with a 22.7% growth in the courts over the same period.⁸ Under Mr. Mecham's leadership, the agency has constantly shifted resources to

3. See ADMINISTRATIVE OFFICE OF THE U.S. COURTS, UNITED STATES COURTS DESIGN GUIDE (4th ed. 1994).

4. See ADMINISTRATIVE OFFICE OF THE U.S. COURTS, ACTIVITIES OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, 1994 REPORT OF THE DIRECTOR L. RALPH MECHAM 5 (1995).

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

focus on the Judiciary's priority needs. This may not exactly be "reinventing government," but it is making government work better.

The path has not always been smooth. Any administrative head, especially one who must respond to the needs of 1500 federal judges, will experience some rough spots. From time to time, the Director of the Administrative Office must say no, even to judges, and one of Mr. Mecham's greatest achievements, in my opinion, is that he has been able to do this in ways that are both clear and diplomatic. The Administrative Office cannot do everything that a judge wants, but it can, when it finds itself unable to comply with a judicial request, give a good reason, and this is exactly what the agency has done under Mr. Mecham's leadership. Before he came to be Director of the Administrative Office, one heard a great many more complaints from judges than one hears now.

Paradoxically, this very success appears to have generated a new kind of criticism. Some are asserting that the Administrative Office is *too* responsive to judges, that it is putting the desires of judges over the public interest in the administration of justice.⁹ To my way of thinking, this is the oddest criticism of all, because it sets up a false opposition between carrying out the policies of the Judicial Conference and furthering the public interest. It is the Conference that is charged by Act of Congress with the duty of administering the lower federal courts in such a way as to further the just, speedy, and efficient resolution of legal disputes.¹⁰ The beneficiaries of this enterprise are not judges, except, incidentally. They are the public, for whom we all work. When cases are properly decided, within reasonable time periods, and at reasonable cost, the public interest is furthered. That is what the Judicial Conference is supposed to do, and that is the object of its policies, policies that the Administrative Office, under the principal leadership of its Director, executes. If the Judicial Conference is doing the wrong thing, if some of its policies are not in the interest of justice, let someone say so, and we will do our best to change. But to criticize the Administrative Office, or its Director, for carrying out the policies of the Conference is like criticizing the President for taking care that the laws be faithfully executed. A Director of the A.O. who did *not* respond to the instructions of the Conference would be subject to just criticism. Mr. Mecham is by no means that sort of Director.

9. See Naftali Bendavid, *Public Agency or Judges' Advocate?*, LEGAL TIMES, Oct. 24, 1994, at 1.

10. 28 U.S.C. § 331 (1988).

My thoughts on the subject are well summarized in a resolution adopted by the Executive Committee of the Judicial Conference in response to this sort of criticism. That Committee—of which I have the privilege to be a member—adopted the following resolution on November 16, 1994:

Since he began in 1985, Director L. Ralph Mecham has been instrumental in leading the Administrative Office toward the accomplishment of its statutory mission: providing high quality support and service to the federal judiciary. Under Director Mecham's outstanding leadership, the Administrative Office has successfully dedicated itself to the achievement of these goals. This success helps ensure an effective, smoothly running judicial machine—one upon which the public can and does rely with confidence and respect.

The Executive Committee supports fully the work of the Administrative Office and endorses the goals of the agency as set by its Director. We encourage the Administrative Office and its Director to continue to provide the same caliber of excellence in its service to the courts and the public at large.

Government needs to be criticized. All of us know that. And, in this country, criticism is often not only vigorous, but exuberant. May it always continue, but may it be fair, and recognize the tremendous contributions of faithful public servants like Ralph Mecham.