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# A JUDICIAL SECRETARY'S MANY ROLES: WORKING WITH AN APPELLATE JUDGE AND CLERKS

Stephen L. Wasby\*

## I. INTRODUCTION

A judge's chambers has been said to "consist of loosely organized relationships between judges and their staff and among the members of the staff."<sup>1</sup> Despite its "bureaucratization," a result in part of increasing numbers of personnel,<sup>2</sup> the environment remains one of work "in small, isolated chambers with a minimum of work contacts outside," and the relationships within chambers have been called "the most intense and mutually dependent . . . outside of marriage, parenthood, or a love affair."<sup>3</sup>

It goes without saying that secretaries are a key part of any office; that is no less true of the office ("chambers") of judges. Yet in the literature on judges, secretaries are almost totally invisible, receiving little more than passing reference in some judicial biographies. One cannot examine a judge's chambers, including the judge's relations with clerks, without also looking at the judge's secretaries, with whom the clerks also interact and who often supervise the clerks. This Article is an attempt to

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1. Jonathan Matthew Cohen, *Inside Appellate Courts: The Impact of Court Organization on Judicial Decision Making in the United States Courts of Appeals* 87 (U. Mich. Press 2002).

2. *See infra* text accompanying nn. 8-11.

3. Patricia M. Wald, *Selecting Law Clerks*, 89 Mich. L. Rev. 152, 153 (1990).

increase the visibility of judges' secretaries and to provide at least an initial picture of their work. To do so, we explore the chambers of one appellate judge, Alfred T. Goodwin, a member of the United States Court of Appeals for the Ninth Circuit since 1971, and before that, a state trial judge, a member of the Oregon Supreme Court, and a federal district judge in Oregon.

This Article is based on interviews with a half-dozen of Judge Goodwin's secretaries; casual conversations with several of them; a 1995 survey of the judge's clerks;<sup>4</sup> extended conversations with the judge as part of the author's on-going research on the Ninth Circuit; and in-chambers observation of interactions of judge, secretaries, and clerks during several months in one year and over one-week periods in several other years.

Secretaries and clerks may be attracted to a judge of a particular ideology and temperament. Judge Goodwin is a pragmatic moderate who is thought to be easy to work for and who gives his secretaries and clerks considerable autonomy to carry out their tasks. Because of the variability in judges' uses of, and interaction with, their secretaries and clerks, one should be cautious about over-generalizing based on the description of one judge's chambers. However, the reported experiences of the several secretaries and large number of clerks who served Judge Goodwin provide a far richer picture than was previously available of in-chambers working relationships, and they also spotlight the secretaries who are such a crucial part of the judicial family.

The Article begins with a description of the number of people in the judge's chambers, both secretaries and clerks. It then turns to an examination of judge-secretary interactions and then to interactions between secretaries and law clerks. The latter examination includes some observations about law clerk selection; primary attention is given to the secretary's important roles as gatekeeper and as "traffic cop" directing work to clerks.

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4. Of the total of seventy-five clerks from the Oregon Supreme Court, District of Oregon, and Ninth Circuit contacted for interviews or to whom surveys were mailed, thirty-one (41.3%) participated.

## II. INCREASED STAFF SIZE

Most judges' chambers have changed over time through the addition of personnel. During his initial appellate service, on the Oregon Supreme Court, Justice Goodwin had one clerk and one secretary. When he moved to the United States District Court, he started with one secretary and a clerk-bailiff in addition to his regular clerk, but he then added a second clerk. The two-clerk situation carried over when he joined the Ninth Circuit, but in due course the number of clerks grew to three, and for a brief period, there were four. The judge continued with three clerks when he took senior status in 1991 after having served as chief judge. In addition, from time to time, law students worked for a semester as "externs" in his chambers.

Well into his court of appeals service, he obtained a half-secretary line to assist with his work as the court's en banc coordinator, and that line grew into a full-time second secretary position. A division of labor eventually developed between the judge's two secretaries. The "lead," or senior, or principal, secretary handled administrative work for the office, the judge's correspondence, particularly the "more political" letters, and press work, but did little case-related work. The second secretary, although at times filling in for the lead secretary, served as the "case" secretary, keeping an eye on cases, "getting them through in a timely fashion,"<sup>5</sup> and making sure they didn't fall through the cracks.

The judge retained the en banc coordinator function while he was chief judge and for a short time thereafter. While for a short period one clerk took particular responsibility for en banc matters, that work was subsequently carried out by the lead secretary. The judge did not add a specific staff person to assist with his duties as chief judge,<sup>6</sup> but the lead secretary handled much of that work for the judge, including excusing judges from meetings and responding to their requests to sit elsewhere. Some

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5. Unattributed quotations are taken from conversations and interviews with Judge Goodwin's secretaries, from discussions with the judge, and from a 1995 survey of those who had clerked for the judge until that time.

6. There was a complete turnover in secretaries when the lead secretary retired before Judge Goodwin began his service as chief judge. The second secretary also left, causing a "hiccup" in the smooth running of the office.

time after giving up the chief judgeship, Judge Goodwin functioned with only one secretary, particularly as use of computers by the judge himself and by all clerks diminished the need for secretarial assistance in preparation of many documents.

The growth in numbers certainly changed the atmosphere in chambers. This change is reflected in the comment of one secretary, who had experienced both the one clerk/one secretary situation and the much larger office, that in the former situation, which was also “more fun,” the secretaries saw more of each case. She also felt that with multiple clerks, the judge did less writing (i.e., he was less likely to put a piece of paper in the typewriter to develop a thought), although with the advent of computer word-processing technology, it was easier for the judge to draft a document or to edit the clerks’ work on-line.

The growth in staff also illustrates the development of what the late Fifth Circuit Judge Alvin Rubin characterized as the “bureaucratization of the federal courts.”<sup>7</sup> Not only did each judge have more law clerks and secretaries in chambers but the judge also had “the services of staff law clerks, the staff of the circuit clerk’s office and the circuit executive.” Thus the judge had “a small appellate enterprise,”<sup>8</sup> not only requiring the judge’s familiarity with a greater number of people but also claiming more of his time for supervising them. In these terms, when Judge Goodwin was chief judge, he had a much larger staff—extending to the Clerk’s and Circuit Executive’s offices. However, he never seemed to have “appropriated” those personnel as his staff, and apart from using his lead secretary for some administrative work related to being chief judge, he maintained the separation between his own staff and the court’s and circuit’s staffs, which were not located in the same city as his chambers.<sup>9</sup>

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7. Alvin B. Rubin, *Bureaucratization of the Federal Courts: The Tension Between Justice and Efficiency*, 55 *Notre Dame Law*. 648 (1980).

8. *Id.* at 651-52.

9. See Stephen L. Wasby, *The Work of a Circuit’s Chief Judge*, 24 *Just. Sys. J.* 63, 70-73 (2003).

### III. THE JUDGE AND HIS SECRETARIES

The judge's secretaries have performed many functions and have engaged in a wide variety of activities themselves or assured that someone else did them. This is best captured in a clerk's observation about one secretary, "She knew what needed to be done and found someone to do it." A secretary's job is to be "the key personnel manager, doorkeeper, scheduler" who deals with the "nitty-gritty details." Among a secretary's specific tasks are answering the phones, serving as receptionist when someone comes to the chambers, and typing. In the days prior to computer word processing, typing duties extended not only to correspondence but also to final versions of opinions. Another secretarial task is related to cases, with the secretary acting as intermediary between the judge and the publishing company. When the court has wished to hold an opinion until it could consider a possible change or correction of error requested by a litigant, the authoring judge has asked his secretary to contact West Publishing to delay the opinion's release.

The judge's secretaries provided far more than basic secretarial services. The judge described his first secretary, with him for many years, as "a good office manager." He said he "was smart enough to let her be office manager" and train him. Although she certainly carried out secretarial tasks, she was more an administrative assistant than simply a secretary; she also acted as a quasi-clerk in undertaking cite-checking. As a result of that experience, the judge let his subsequent secretaries run the office; this was not difficult, as all had experience working for other judges when they came to work for him.<sup>10</sup>

The lead secretary served as the "administrative officer" who organized the judge's calendar, managed his workflow, "kept information moving around," and "ran the chambers." Even in the electronic age, another judge's clerk observed, there was an "inordinate amount" of paper to keep up with—circulated opinions, drafts, petitions, calendar changes, memos, and letters, not to mention matters related to the judge's extra-judicial activities.

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10. New secretaries went to San Francisco (circuit headquarters) for informal training, meeting court personnel, and learning from experienced secretaries.

The secretary is also like an administrative assistant in that she “organized things the judge didn’t want to deal with.” That the judge didn’t like to be bothered by petty matters or bogged down with busywork left much authority with the secretary to run the office as she wanted. Although some secretaries said he would back them up on critical matters, they also said it “was hard to get policy direction from him” and that one had to bring things up to him if they were to be resolved.

Neither did the judge like to deal with personnel problems, such as an inefficient or less-than-diligent law clerk or a less-competent second secretary. In one situation, he asked the senior secretary what *she* would do about that problem. The result was that the secretary was in charge of personnel. Although one secretary said she couldn’t be autocratic with clerks because the judge wasn’t (“No one is less authoritarian”), the secretary had to make unilateral decisions. As a secretary got to know the judge’s way of thinking from frequent and extended interaction, and as the judge was often absent from chambers, the secretaries engaged in much decisionmaking. Judge Goodwin’s secretaries said that if one were to be a good secretary for him, one had to like making decisions.

The secretary was also both policy analyst and amanuensis, composing letters and signing for the judge on administrative matters, not only at the judge’s direction, but also in his absence, and on some matters, without his immediate instruction. For most of the judge’s service as en banc coordinator, the lead secretary kept track of en banc proceedings, which entailed monitoring deadlines and supervising voting. She also drafted changes in the General Orders to deal with problems that judges brought to Judge Goodwin’s attention, and she wrote the basic draft of his comments to the court’s Symposium when it discussed en banc policy matters; the judge simply edited the draft, just as he would a clerk’s draft opinion.

A secretary’s work included responsibility for certain aspects of cases; however, as suggested above, as the volume of cases increased—and with it the number of law clerks—the secretaries saw less of the cases, and did little beyond performing the key role of moving case documents. Secretaries might do ministerial work on motions after a clerk talked to the judge, or might compose orders granting or denying rehearing

and rehearing en banc, tasks a long-time secretary for another judge described as “very routine.” In one instance, after one judge on a panel asked Judge Goodwin to send to the Clerk of Court an appropriate order embodying the course of action on which the panel had agreed, the secretary informed the judge and the law clerk working on the case that she had discussed the matter with the other judge’s secretary and that the two of them thought “we should proceed with an order like the following.” It was of little moment that none of the secretaries had paralegal training, because they had learned the basic elements of case-processing and how to write basic orders, as such documents frequently passed before their eyes.

In many other chambers, secretaries are only secretary-receptionists, who “work for” a judge in a relatively narrow sense. That this is true may be inferred from the comments of Judge Goodwin’s secretaries that he allowed them to run the office as they saw fit; most had worked for other judges and could draw on those experiences in evaluating their own situation with him. However, it is not unusual that a judge’s secretary performs far more than “mere secretarial” tasks. First Circuit Judge Frank Coffin wrote that “the secretarial element” in his secretary’s work was reduced over time to the point where it was “not dominant”; the computer, used by both judge and clerks to prepare draft opinions, was a major reason. Instead, the secretary had become what Coffin called a “judicial assistant administrator,” with other functions having become more “demanding and complex.”<sup>11</sup> These included “working with the clerks to see that basic procedures were followed,” helping the judge with “committee work and court administrative duties,” and record-keeping, including the “reporting of statistics relating to cases [and] equal opportunity compliance. . . .”<sup>12</sup> All this work in office administration, said Coffin, requires “liaison with other chambers and offices in the judicial branch” and “developing procedures and systems,” as well as “ensuring conformity with circuit policy.”<sup>13</sup>

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11. Frank M. Coffin, *On Appeal: Courts, Lawyering, and Judging* 70-71 (W.W. Norton 1994).

12. *Id.*

13. *Id.*

How judges and their secretaries get along is very important. Judge Goodwin's secretaries were consistent in saying that he "would let you do what you could" and that he gave them "the latitude to use your brain." He "had the ability to allow you to work under your own steam" and "trusted you to do a good job"; he allowed his secretaries "to run things as they need to be done." Matters "that others wouldn't delegate, he'd let you do." It was a case, said one secretary, in which as "you learn more, the more freedom you get." Judge Goodwin also wouldn't look over their shoulders, but at the same time would be there to answer questions; even when away, he was available at the other end of the telephone to do so. This was also a judge, who, unlike others, didn't ask his secretary to undertake personal tasks for him and who even made his own travel arrangements. It is indicative of his relations with his secretaries that the judge regularly tried to get his "second" secretaries good "first secretary" jobs with other judges if they could not advance within his own office or wished to go elsewhere. The judge has also relied on his secretaries "to be there for him." The secretaries could do that because the judge had involved them in so much of what transpired in chambers.

On the other hand, the judge's frequent absences—not only when the court met in another city, but also for much extra-judicial activity, including his extensive American Bar Association work—led to somewhat negative views. This was evident in the secretary's comment, "One can't run an efficient railroad with the engineer gone," suggesting that the judge's lengthy absences led to a dysfunctional office. Whether the judge was absent or present, said one secretary, he "needs a pusher" to keep things going. The judge himself recognized this, seen in his giving the secretary a mandate not to let him get in a "calendar relief" situation, where he would be far behind in getting his cases out. The judge's reliance on the secretary "to be there for him" was possible because the secretary had been involved in the work, quite unlike the situation in other chambers where judges were so busy doing the entire job themselves that they didn't let others become involved.

#### IV. SECRETARIES AND CLERKS

Secretaries work with “their” judge. However, counter to a perception that clerks work only directly with the judge, it turns out that secretaries play a large role in dealing with clerks. This role begins with their involvement in the hiring of the clerks and continues throughout the clerk’s service (in the United States Courts of Appeals, typically a one-year period). Indeed, clerks often interact with secretaries more frequently than with the judge.

##### *A. Clerk Selection*

Judge Goodwin would, one secretary observed, initially choose clerks “on paper.” “Stellar records, academic performance, work experience, and professors’ letters” might clinch getting an interview, he has said, but would “not necessarily” lead to a job offer; for that, there had to be something more. A former clerk commented that the judge liked to have people working for him who he thought were interesting. As the number of applications increased, Judge Goodwin asked his present clerks and secretary to sort the applications into three piles, using general criteria he suggested; this was to be a “first cut” to assist him in winnowing before he undertook interviews. The piles of applications were sorted into “Possible”—“Impossible”—“Maybe” or “Must Interview,” “Don’t Bother,” and “Maybe.” Occasionally the judge would look at the “Don’t Bother” pile to determine whether the clerks were on the right track. With the clerks often having attended elite law schools, he was concerned that they might have a “colonial attitude” toward candidates from less prestigious places. A secretary might also “semi-screen” applications, and might ask the judge not to hire someone who was a “jerk.”

By all reports, the judge’s interviews—a major factor in many clerks’ decisions to accept an offer from the judge—were free-ranging, comfortable conversations. In them, a secretary observed, the judge did more to sell himself than to ask about the candidates. After the judge and his family started camping at Death Valley, and began to take a clerk with them, the judge did, however, take into account whether an applicant was open

to that sort of activity.<sup>14</sup> The judge apparently did not use his interviews to indicate his expectations with respect to work in-chambers or to ask potential clerks about their work habits, such as whether they were nocturnal or diurnal. At least one secretary felt the judge should ask such questions and should make his expectations about hours explicit, because the judge's habit of allowing clerks to work in the evenings, on weekends, and at home meant that there were times when the secretary couldn't find them when they were needed.

### *B. Secretary-Clerk Interaction*

Judge Goodwin's chambers illustrated that the distinction between "secretary" and "law clerk" could be at best artificial. The judge expected *all* those in his chambers—secretaries and clerks, regardless of gender—to type,<sup>15</sup> because there was too much written work for the secretaries to do it all, and because the judge had been accustomed since his days as a reporter to composing on the typewriter. (However, when computers were first used, a secretary might put into final form the opinions the clerks had drafted.)

Judge Goodwin let secretaries edit the law clerks' convoluted writing. In earlier days, particularly when the judge had only one secretary and no more than two clerks, the secretary did "a fair amount of editing of everyone's work," making her the functional equivalent of a clerk. While some clerks felt that the judge's secretaries "didn't try to control the substance of opinions" when they edited as they typed, a clerk might think a secretary sometimes crossed the line to deal with substance, and one clerk spoke of that editing as having "created a small amount of tension."<sup>16</sup> If there was to be any consistency

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14. In this regard, Judge Goodwin undoubtedly went further than other judges in sharing part of his personal life with the clerks, although there are stories of clerks working around the pool at a judge's home (and using the pool during their work).

15. He regularly chuckled at the reactions he received when he asked female potential clerks whether they could type. When they exhibited annoyance at what they thought was a sexist question, he made it quite clear that he asked male clerkship candidates the same questions. All clerks needed to be able to type.

16. Indeed, a former clerk for another judge, on reading an early draft of this Article, said that if his judge's secretary had edited any of a clerk's writing, "the clerk would have been very put off."

in style over time, secretaries would have to enforce it; thus one long-time secretary was the “arbiter of style” for each set of new clerks.

The secretaries certainly played a role in breaking in clerks when they began their service. Virtually all clerks responding to the survey said they received orientation from several sources: the judge, other clerks, and secretaries; all “helped us find our way around.” Although the judge’s written policies were said to provide some help, several clerks indicated that the judge was not involved in orientation, primarily because he was away from chambers at that time. Although a couple of clerks noted that the secretaries had not provided any orientation or had done so “only on the most mechanical ‘here’s how the docket works’ sense,” others said secretaries had provided more help, such as explaining how to write bench memos. Some clerks even said the primary orientation came from a secretary, although there was also legal research and computer training from the court’s librarians.

In part because Judge Goodwin was seldom in chambers when the clerks started their year, the secretaries in fact played an important role in training the clerks. Thus clerks would start working on the October calendar and be well into it before the judge started working with them on a face-to-face basis; the secretary would “load them” for that calendar. Secretaries also assisted clerks in understanding office procedure. This assistance was necessary because the court’s orientation for new clerks was said not to be sufficient for chambers work, and it did not come until the clerks had been on the job for up to two months. The need to follow proper procedures led one secretary, with the judge’s approval, to prepare an official manual for law clerks. Some senior secretaries provided continuity from one year’s group of clerks to the next because those secretaries embodied knowledge, experience, and the chambers’ institutional memory.

After some years as a senior judge, the judge began to contemplate having one of his clerks serve a longer tenure. This shift stemmed from his secretary’s lobbying that he should do what some other senior judges had done and recall a former law clerk not happy with the type of big firm law practice to which the clerkship had provided entree. This arrangement was thought

likely to provide a more efficient work flow than if three “rookies” all started at the same time; moreover, the presence of a clerk on indefinite appointment, who would be the acknowledged team leader, would help especially during the judge’s “frequent and sometimes prolonged absences from chambers.”

Once introduced to the job, clerks seemed not to want to perceive the secretaries as assigning them work. In survey responses, only one clerk said that the secretary assigned work to them, and another pointedly said that the secretary “never” did so. A majority of those responding said that the judge assigned their work; they referred primarily to instructions to write opinions, and a half-dozen said that other clerks occasionally assigned work. All but one of Judge Goodwin’s Oregon Supreme Court clerks said that the judge assigned work to them; the other mentioned the secretary. One Oregon Supreme Court clerk said the secretary “often gave me marching orders from the judge. I usually left written materials with her for delivery to the judge in chambers. She was the judge’s full-time representative with whom I dealt. She relayed instructions and messages.” At least some secretaries acted somewhat as a “screen” between clerk and judge, although they did not try to prevent access to the judge, which was available through the secretary “on a relatively open basis.” However, clerks did say that secretaries, “a critical link in the system,” not only provided procedures for case flow, but monitored and enforced them, and one clerk said that delegation in chambers “functions pretty smoothly, particularly because of” the secretary.

The case secretary’s work involved the key function of monitoring the movement of cases; this secretary also saw to it that relevant documents went to the appropriate clerks, that necessary tasks were undertaken, and that material from the clerks reached the judge. Other judges’ memos usually reached the clerks via the case secretary, who tended to watch for e-mail and fax transmissions and who routed them to the clerk with responsibility for the case. The clerk then obtained the case file and prepared a memo for Judge Goodwin. In these instances the case secretary acted as “traffic cop,” directing incoming communications to the clerk monitoring the case, assuring that draft opinions were sent to other chambers, and sending those

ready to file to the Clerk's Office in proper form. For example, the secretary would write notes—often questions—on a case file, such as “Waiting for [X's] vote,” “D—for the file,” or “Circulated [with date]” and often added instructions for the clerk working on the case. The secretary also transmitted requests from the judge, like one about an appeal from a remand by a panel in which the judge had participated: “ATG says please ck to see if we need to take this case—are they truly the same issues?”

As part of this monitoring function, the case secretary reminded the judge when needed material was not forthcoming from another judge and asked what should be done. In one instance, after repeated contact with the secretary to another judge who had promised to send a dissent, the case secretary wrote, “I thought you should know about the status, and wondered if you want to continue to wait—or possibly, send a memo?” This contact with the other secretary also indicates the important secretary-to-secretary network, better established and more long-standing than that among clerks.

The case secretary's monitoring of cases was part of the more general monitoring of clerks and externs. Externs required a closer watch because their education and training had not progressed as far as the clerks' and because they were in chambers for only one semester. Thus the case secretary once gave an extern a note indicating not only that she had “made a couple of corrections to the caption” of a case but also that the case might have to be repaginated. She also told the extern about chambers procedure: “When you send out mail, please leave a cy on my desk so I can docket it.”

One matter where the secretary had to keep watch was the clerks' distribution of cases among themselves for the writing of bench memoranda and the responsibility of monitoring other cases. The case secretary delegated case-allocation to the law clerks, but if they didn't choose cases on which to do bench memos, she assigned the cases. As control could quickly be lost if the clerks' self-allocation did not work out smoothly (for example, if they “had overlapping preferences”), the case secretary had to be sure the allocation was accomplished. Although one secretary said the clerks “knew what to do to divide casework,” a clerk observed, “The clerks ran the process,

but the secretaries kept things organized.” Some problems did lead one secretary to implement a system used in another judge’s chambers, putting one clerk in charge of the calendar one month—assigning bench memos and following all cases through—while the next month, another clerk was in charge. This arrangement was modified so that other judges’ decisions were rotated chronologically as they came in, and, if the clerks traded cases by subject interest and expertise, the next case was substituted.

In Judge Goodwin’s chambers, secretaries are “much more than a gatekeeper.” For the clerks, they have served as “a guide and advisor on how things functioned” as well as a “day-to-day administrative officer for all logistical needs” and thus were “a great resource.” One Oregon Supreme Court clerk spoke of Justice Goodwin’s secretary as “really my mentor in many ways, as she was there and knew all of the day-to-day ropes intimately.” That the secretary might be “boss,” and at times was so, was particularly clear from a remark that the secretary’s role “certainly was *not* to work for the clerks.”

The secretary has also helped new clerks understand the best way to deal with the judge. One secretary advised the clerks that when the judge asked a clerk to do something, the clerk should use common sense—and then ask one of the secretaries. The secretary’s further advice that a clerk not do anything without questioning it was effective particularly when the judge was away from chambers and thus not immediately on top of a case, because the clerk could later ask the judge if he really meant what he had requested.

Secretaries also found that clerks asked them whether they should first show memos to Judge Goodwin before sending them to other judges. Because the secretaries worked closely with the judge and had his ear, with the lead secretary almost his alter ego, they knew what he would have done and thus could answer such questions. At times the secretaries were the ones to whom the clerks came with questions about what the judge might accept, questions of the sort, “Do you think Dad will go for this?” The case secretary’s frequent contact with clerks on cases also meant that although both secretaries had contact with them, the one handling cases was more likely to be “mother” to the law clerks.

Problems among the clerks, almost unavoidable among a small set of workers, also affected the secretaries. “Equal allocation of work won’t work if one of the clerks is weaker than the others,” which happened on occasion and was particularly obvious when a clerk was paralyzed by deadlines. As District of Columbia Circuit Judge Patricia Wald has observed, “If for any reason one of [a judge’s] clerks proves significantly deficient, she, or the other clerks, must take up the slack . . .”<sup>17</sup>—and it is clear that part of the burden falls on the secretaries.

If all clerks are “up to speed” and focused on their work, the chances for good working relations are high. However, that does not always happen. Chambers can continue to function reasonably well if one clerk is not fully effective, but if two are “off their feed,” there is likely to be “a real problem,” as when two clerks “dogged it” out of annoyance at the judge’s criticism of one for treatment of a case and the third was “passive-aggressive.” One secretary observed that groups of clerks varied in the extent to which they worked as a team, while another said that in a seven-year period, there had been only one year in which the clerks were “really collegial.” Thus in most years there would be a problem, as for example, the time two clerks stopped speaking to the third for much of the year for failing to consult them before making a recommendation to the judge on the use of externs.

The judge’s dislike of dealing with personnel problems also meant, however, that the secretary became the person who had to keep the clerks in line. One secretary said that every year, someone had to be brought into line; thus secretaries also bore the brunt of less than optimal clerk habits. Some clerks abused the relaxed atmosphere in the office or took advantage of it by submitting bench memos late. “Some are accustomed to doing things on their own good time,” one secretary observed. That the judge did not “chew” on clerks meant that the senior secretary might be the one to give them a “dressing-down.” However, the secretaries’ willingness to reprimand clerks was varied, as was their deference to the clerks. Observers have noted that a couple of the secretaries “ordered the clerks around” and were obeyed, while another secretary was “more deferential,” a reflection of

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17. Wald, *supra* n. 3, at 153.

differences in work styles and personalities. One secretary, with whom relations were said to be “easy,” doted on the clerks, acting like a “mother hen” (a role others adopted, although perhaps not as successfully), while another “had a dominant personality” so that “some didn’t get along with her.” In short, tensions resulted from time to time from differences in personality; they could also result from work styles, particularly when case secretaries wished to expand their responsibilities or to advance.

#### IV. CONCLUSION

We have long known that clerks play a large role in an appellate judge’s chambers, although the extent of that role may have been overestimated as well as not well understood. However, the secretaries who serve judges of the courts of appeals have been almost totally unknown. In a brief initial exploration, based on one judge’s chambers and the secretaries and clerks who served him over a long judicial career, this Article has attempted to remedy that deficiency. We have seen that secretaries perform a multitude of tasks, many of them going well beyond the narrowly “secretarial,” and that they are perhaps better thought of at least as administrative assistants, if not as office executives. Of particular note is that secretaries perform a major role in relation to the clerks, as instructors, personnel managers, and, most importantly, as the interface between the clerks and the judge throughout the clerks’ term. It is hoped that after examining this picture, the reader will no longer think about the work emanating from judges’ chambers without stopping to think about the key role played by the judges’ secretaries.

