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To: John G Heyburn/KYWD/06/USCOURTS@USCOURTS
cc: John Gibbons, Greg Cummings
Subject: Stewardship for Denver, July 22-23-24

Judge Heyburn --

Just wanted to convey a couple of thoughts before my departure. Today is my last day here at the AO. My wife and I are returning to our family and friends in Cincinnati, and will begin new adventures. In the fall, I will begin a position with LexisNexis in Dayton to learn more about business management. LexisNexis is one of the original dot-com companies and I'm excited about the prospects. Most of all, it's close to Cincinnati where we wanted to be. John Gibbons will continue to take charge of the stewardship program.

In terms of the Denver stewardship session, clearly some has passed since the first two stewardship programs in Baltimore and Seattle last year. We postponed the remaining sessions pending resolution of the FY 2003 budget and of course have now resumed. We reduced the number of sessions from four to three, the last being dedicated to federal public defenders.

In light of this, I was wondering if you might consider, in your opening remarks to the assembly, restating the reasons for stewardship, independent of any financial and budget crisis facing today's judiciary. I suppose there is danger in people seeing you exclusively in your role as Budget Committee chair and therefore expecting you to provide a status report on funding issues. You are the better judge of this, but in my view to the extent your remarks focus on stewardship matters it would help the program. On the other hand, entertaining questions, as you did in Seattle, will certainly occasion questions about current budget prospects and that may be the place for those comments. That's just my sense for now, and of course I defer to your judgment.

In thinking broadly about this stewardship initiative, we originally emphasized the point that the increased work, expanded responsibilities, larger staffs and greater delegations in the judiciary have made life more complicated in the area of federal court administration. Consequently, the stewardship sessions are intended to underscore the prevailing rules, policies, tools and common problems for administrators and to re-emphasize the partnership that exists among all of us (e.g., judges, unit executives, AO) as we seek to complement our various roles. The challenge is to assure that all of us and our employees well understand the components of effective stewardship and leadership. We also need to be mindful that good stewardship practices enable the judiciary maintain its credibility with Congress and with the public.

There's an additional matter I want to mention to you. A delicate problem has arisen at each session to which we respond as best we can. Some unit executives complain they know the rules, etc., but it is difficult for an at-will employee to say "No" to a persistent, aggressive judge who doesn't want to hear the word "No." Our response is to day the unit executive, in that circumstance, can call the AO (which is always discreet about such matters). The AO is often able to find a solution or just supply information to assist the discussion with the judge or even to underscore for the judge that "No" is the appropriate response. Of course, the savvy and often impatient judge will likely want to avoid the AO. It's a problem and, as I say, a problem that regularly comes up at these sessions. If you feel comfortable in recognizing the situation in your remarks and making any suggestions about handling it, please do. Thanks.

John Gibbons (202/502-2003) will be available to assist you. I will ask John to forward to you the materials we have from your Seattle remarks, and any others if you like -- such as, Ralph Mechem's and Judge Lungstrum's remarks at Baltimore. I'm copying Greg Cummings on this message, since Greg and I have worked closely on all this. Also, I'll ask John to send you a copy of our LEADER theme for stewardship. If you need any drafting or further assistance, I'm sure we can respond.

The first two programs have been very well received and I know everyone is hoping that continues. For your information, we are converting this program to a series of 20-minute sessions available through the internet. The whole program can be viewed within four hours, or segments can be profiled at the various meetings of unit executives, their managers or judges. These things take time to produce but it should be