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JOHN BIGGS, JR.

This past February, John Biggs, Jr., completed forty years of extraordinary service to the Third Circuit bench, twenty-six as its distinguished Chief Judge. It is therefore most appropriate that the Villanova Law Review has seen fit to dedicate this *Third Circuit Review* issue to him.

John Biggs and I are Delawareans by birth and attachment. I therefore pretend to no objectivity in assessing his numerous accomplishments within and without the law. If my statement suggests an excessive assertiveness prompted by the diminutive size of our common birthplace, so be it.

Judge Biggs is from a distinguished Delaware family. By his accomplishments he has added substantially to its stature. He was graduated from Princeton University where he commenced a long association with his famous roommate, F. Scott Fitzgerald. After graduation from Harvard Law School, Judge Biggs began a career at the Delaware Bar, primarily in the field of corporate law. Some of his legal forays are still legend among older members of that Bar.

The political exploits of John Biggs while a practicing lawyer are also a part of Delaware political folklore. His narrow defeat as the Democratic candidate for Attorney General of Delaware in the 1936 election was a blessing in disguise because it made him available for appointment to the Court of Appeals in 1937. In 1939 he commenced his long tenure as Chief Judge.

This is not the place to review the legal contributions of Judge Biggs in detail. They speak for themselves in many volumes of the *Federal Reporter*. It must be said, however, that a large number of his superbly literate opinions explore new frontiers of the law. They set forth his analysis and reasoning with devastating persuasiveness. The same is true of his dissents. Indeed, during his first ten years on the Court, in nineteen cases where Judge Biggs dissented, the Supreme Court, upon review, adopted his position. The same high quality and productivity have characterized his work over four decades.

Judge Biggs was a pioneer in the application of psychiatry to the law. His critical examination of the M'Naghten Rule was a landmark in this area of the law. He has received numerous honors and much critical acclaim for his foresight and interest in recognizing the important interaction between law and psychiatry.

The Biggs judicial performance is matched by his administrative prowess — a rare combination. He provided leadership to his own Court of Appeals for twenty-six years as its Chief Judge. During that period our Court became a leader in the country in adopting

innovative and imaginative procedures and policies that furthered the administration of justice.

For his work in the Judicial Conference of the United States and its important committees, Judge Biggs was described by Chief Justice Warren as a "one-man Ministry of Justice." Even the most casual reading of the minutes of the Conference over the years of his membership shows that the compliment was more than deserved.

In speaking of Judge Biggs' work in the Congress in support of the federal judiciary, the distinguished political scientist, Professor Peter G. Fish, said he was the "foremost judicial politician of our time." His political background certainly served him well in his dealings with an often unfriendly Congress. We are the beneficiaries of his indefatigable efforts with the Congress and as such we owe him a deep debt of gratitude. As Chief Justice Burger wrote Judge Biggs: "If there were some judicial counterpart of the Congressional Medal of Honor, you would lead my list for one of the first to be given."

But John Biggs possesses a breadth of spirit that could not be confined to the law. He has written several books and made many other literary contributions in areas outside the law. He is a man of letters, and the law is the better for it.

Judge Biggs is also a raconteur par excellence. His stories are so inextricably associated with his experiences and his personality that they lose some of their flavor in cold print. Nevertheless, one example may help to capture the spirit of the man.

Not too long ago a group of pickets were marching in front of the Federal Courthouse in Philadelphia. Judge Biggs, always curious, wanted to know the nature of their grievance. He had difficulty, however, reading the signs they were carrying, so he approached one of the pickets to ask what his protest was. The quick response was, "none of your god-damned business." Judge Biggs had some difficulty reconciling the response with the supposed informational function of picketing.

Nor should you think that I was untouched by His Honor before I came on the Federal Bench. When I was Chancellor of Delaware, Chief Judge Biggs called me and said he would like to come right over to talk about some family trusts under my jurisdiction. In deference to the Supremacy Clause and seniority, I told the good judge that I would come across the street to his Wilmington office to see him. When I arrived Judge Biggs was sitting in his stocking feet. He said he had sent his shoes out to be shined. My immediate reaction was to consider how, in these circumstances, he intended to come right over to see me. Upon reflection, I realized that it would have been no problem for John Biggs to walk on air.

John Biggs, Jr. is a towering figure in the history of the federal judicial system. That status has been fully earned by his brilliant contributions and unflinching devotion to that system for over forty

years. The Law Review's recognition of Judge Biggs is a worthy tribute to a prophet who is honored in his own country.

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