
**REPORT
OF THE PROCEEDINGS
OF A
SPECIAL MEETING
OF THE
JUDICIAL CONFERENCE OF THE
UNITED STATES**

★

**NOVEMBER 29, 1949
WASHINGTON, D. C.**

TITLE 28. UNITED STATES CODE, SECTION 331

§ 331. Judicial Conference of the United States.

The Chief Justice of the United States shall summon annually the chief judges of the judicial circuits to a conference at such time and place in the United States as he may designate. He shall preside at such conference which shall be known as the Judicial Conference of the United States.

If the chief judge of any circuit is unable to attend, the Chief Justice may summon any other circuit or district judge from such circuit. Every judge summoned shall attend and, unless excused by the Chief Justice, shall remain throughout the conference and advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

The conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges to or from circuits or districts where necessary, and shall submit suggestions to the various courts, in the interest of uniformity and expedition of business.

The Attorney General shall, upon request of the Chief Justice, report to such conference on matters relating to the business of the several courts of the United States, with particular reference to cases to which the United States is a party.

The Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation.

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Report of the Proceedings of a Special Session of the Judicial Conference of the United States

SPECIAL SESSION—NOVEMBER 29, 1949

Pursuant to previous agreement and understanding of the Conference,¹ and upon call of the Chief Justice, a special session of the Judicial Conference of the United States was convened on November 29, 1949. The following were present:

The Chief Justice, presiding.

Circuit:

District of Columbia.	Circuit Judge E. Barrett Prettyman.*
First.....	Chief Judge Calvert Magruder.
Second.....	Chief Judge Learned Hand.
Third.....	Chief Judge John Biggs, Jr.
Fourth.....	Chief Judge John J. Parker.
Fifth.....	Chief Judge Joseph C. Hutcheson.
Sixth.....	Chief Judge Xenophon Hicks.
Seventh.....	Chief Judge J. Earl Major.
Eighth.....	Chief Judge Archibald K. Gardner.
Tenth.....	Chief Judge Orie L. Phillips.

*Chief Judge Harold M. Stephens was unable to attend, Judge Prettyman was designated by the Chief Justice to attend in his stead; Chief Judge William Denman of the Ninth Circuit was unable to attend, but advice to this effect was not received in time for an alternate to be designated and be in attendance at the session.

District Judge William J. Campbell of the Northern District of Illinois was in attendance for part of the session, and participated in the discussions.

Henry P. Chandler, Director, Elmore Whitehurst, Assistant Director, Will Shafroth, Chief, Division of Procedural Studies and Statistics, Edwin L. Covey, Chief, Bankruptcy Division, R. A. Chappell, Chief, Probation Division, and Leland Tolman, Chief, Division of Business Administration and members of their respec-

¹ September 1949. Report, p. 12.

tive staffs, all of the Administrative Office of the United States Courts were in attendance throughout the session.²

Paul L. Kelley, Executive Secretary to the Chief Justice, served as Secretary of the Meeting.

SUPPORTING PERSONNEL OF THE COURTS

Salaries, National Park Commissioners.—Pursuant to the action taken by the Conference at its September (1949) Meeting, and in compliance with the provisions of § 634 of Title 28, United States Code, the district courts of the various judicial districts having National Park Commissioners employed therein, fixed the salaries of the respective commissioners, subject to the approval of the Judicial Conference, as follows:

National park	Judicial district	Salary (per annum)
Shenandoah.....	Western Virginia.....	\$2,500
Great Smoky Mountain.....	Western North Carolina and Eastern Tennessee.....	3,800
Mammoth Cave.....	Western Kentucky.....	2,500
Sequoia-Kings Canyon.....	Southern California.....	4,200
Yosemite.....	Northern California.....	4,200
Lassen Volcanic.....do.....	3,800
Mount Rainier.....	Western Washington.....	3,800
Olympic.....do.....	3,400
Glacier.....	Montana.....	4,200
Mesa Verde.....	Colorado.....	3,800
Rocky Mountain.....do.....	4,200
Yellowstone.....	Wyoming.....	4,200

Chief Judge Biggs, Chairman of the Committee on Supporting Personnel of the United States Courts, advised that the committee, as a result of their study of the problems involved in fixing the salaries of these commissioners (report of which was filed with the Conference at the September Meeting), had recommended salary limitations for the various National Park Commissioner positions, and that the salaries fixed by the District Courts in this instance did not exceed these limitations.

The Conference thereupon approved the salaries for the National Park Commissioners as fixed by the respective District Courts, and directed that they be effective as of December 1, 1949.

² For convenience, the Director of the Administrative Office of the United States Courts, and the Administrative Office of the United States Courts, are hereinafter referred to as the Director, and the Administrative Office, respectively.

Salaries, Classification—Secretaries and Law Clerks.—In view of the changes established under the Classification Act of 1949 with respect to grade symbols and salary rates, the Conference determined that certain revisions in the text of its resolution, adopted in September 1948,³ relating to salaries and classifications of secretaries and law clerks, were necessary in order that the grade symbols and salary rates specified in such resolution will conform to those of the new Classification Act. The revisions will not in any way affect the existing employment and salary plans covering these employees. Thereupon, the Conference adopted the following resolutions, such resolutions to supersede the resolutions adopted by the Conference in September 1948:

Resolved, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office of the United States Courts without regard to the Classification Act of 1949, except that the salary of a secretary shall conform with that of Grade GS-4, GS-5, GS-6, GS-7, or GS-8, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of Grade GS-5, GS-7, GS-9, GS-11, or GS-12, as the appointing judge shall determine, subject to review by the judicial council of the circuit if requested by the Director, such determination by the judge otherwise to be final: *Provided*, that (exclusive of step-increases conforming with Title VII of the Classification Act of 1949 and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed \$9,600 per annum, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges in which case the aggregate salaries shall not exceed \$13,050 per annum.

Further resolved that this resolution shall supersede the resolution upon the same subject matter adopted by the Judicial Conference of the United States at its regular annual meeting in September 1948.

General, Within-grade Promotional Plan.—The Director submitted for the consideration of the Conference a revised plan for within-grade promotions covering certain personnel of the courts. The changes recommended are for the purpose of bringing the present policy in line with the promotional plan prescribed by the Classification Act of 1949 covering personnel of the government generally, but not of the courts. The Director stated that the only substantial difference from the present plan is to provide longevity step increases for officers and employees meeting the conditions of the plan; this, in the words of the Classification Act is "a reward for long and faithful service" in the form of an "additional step-increase beyond the maximum scheduled rate of the grade in which

³ September 1948 report, p. 21.

his position is placed, to each officer or employee for each three years of continuous service completed by him at such maximum rate * * *". This additional step-increase is confined by the Act to positions in grades GS-10 and below.

Chief Judge Biggs, Chairman of the Committee on Supporting Personnel of the United States Courts, advised that the effect of the revised plan was to maintain parallel levels of employment benefits, etc., for the employees of the courts with those afforded employees in comparable positions in the Executive Branch, and that such action was in conformity with the established policy of the Conference.

Thereupon, the Conference entered upon a consideration of the proposed plan, which is as follows:

This is a plan for within-grade promotions in the administrative offices of certain United States courts subject to the Administrative Office Act, formulated by the Director of the Administrative Office and approved by the Judicial Conference of the United States. It is based upon the plan adopted by the Judicial Conference at its September 1941 meeting (p. 8 of the report of the meeting) amended in certain respects, mainly to conform with changes made in the system of promotions for personnel under the Classification Act of 1949.

1. Application of the plan.

This plan applies to the full time graded administrative personnel of the United States Circuit Courts of Appeals and the United States District Courts, including among others secretaries and law clerks to judges, clerks of court and members of their staffs, librarians, criers and messengers of all grades, and probation officers and clerks in the probation offices, and clerks in the offices of referees in bankruptcy. The plan relates to promotional increases of salary within the grades of the positions and not to promotional increases in salary resulting from increases in the grades of positions.

2. The basis of promotions.

Officers and employees included within this plan, who have not attained the maximum salary for the grade of their respective positions, as fixed by the Administrative Office, will receive one-step increases in compensation at the beginning of the next pay period following the completion of each fifty-two calendar weeks of active service without intervening promotions if the compensation incre-

ments (or within-grade promotional steps) of their positions are less than \$200, and at the beginning of the next pay period following the completion of seventy-eight calendar weeks of service without intervening promotion if the compensation increments of their positions are \$200 or more. One-step increases will be in the same amounts as such increases in the corresponding salaries of positions under the Classification Act of 1949. Periods of service of officers or employees while on leave in the armed forces or the Merchant Marine, if terminated by an honorable discharge, will be credited toward the periods of service increases in compensation prescribed in this paragraph.

An additional step-increase (to be known as a longevity step-increase) beyond the maximum scheduled rate of the grade in which his position is placed will be granted to each officer or employee for each three years of continuous service completed by him at such maximum rate or at a rate in excess thereof authorized by this paragraph without change of grade or rate of basic compensation except such change as may be prescribed by any provision of law of general application, subject to the following conditions:

1. No officer or employee shall be entitled to a longevity step-increase while holding a position in any grade above grade 10 of the General Schedule as established by the Classification Act of 1949.

2. No officer or employee shall receive a longevity step-increase unless his current efficiency rating is good or better than good.

3. No officer or employee shall receive more than one longevity step-increase for any three years of continuous service.

4. Each longevity step-increase shall be equal to one step-increase of the grade in which the position of the officer or employee is placed.

5. Not more than three successive longevity step-increases may be granted to any officer or employee.

6. The officer or employee shall have had in the aggregate, not less than ten years of service in the position which he then occupies, or in positions of equivalent or higher class or grade.

Promotions under this plan will be subject to the following conditions:

(a) An officer or employee will not be promoted unless his record for efficiency is good or better than good.

(b) Promotions under this plan will be successive for successive periods of service without intervening promotion and may not be more than one step in any period.

3. The rating of efficiency.

The following method will be followed in estimating the efficiency of employees for the purpose of determining their eligibility for promotion under this plan.

(a) The rating officers.

Each judge will rate without review, the services of his secretary and law clerk, and the court crier serving him if there is one. The chief judge if there be more than one judge, if not the judge, will rate without review the services of the clerk of the court, the chief probation officer in districts having more than one probation officer, and in other districts the probation officer. The clerk will rate the members of his or her staff, including the librarians and messengers. The chief probation officer in districts having more than one officer, and in other districts the probation officer, will rate the other members of his staff. Referees in bankruptcy will rate the clerks in their respective offices. Any other administrative officers or employees of the courts included within this plan, who are compensated on a per annum basis, will be rated by the chief judge if there is more than one judge, otherwise the judge, if the appointing power is in the court, and if not by the officer of the court having the power of appointment.

(b) The scale of efficiency.

The classification used for rating the efficiency of officers or employees will be excellent, very good, good, fair and unsatisfactory, and these terms will have the meaning commonly given them. Forms for rating will be supplied by the Administrative Office.

(c) The time of rating.

Ratings under this amended plan will be requested annually beginning in January 1950.

(d) The review of ratings.

Every officer or employee will be given notice in writing by his rating officer of his adjective rating. Any officer or employee, except one whose rating rests in a judge without review, who desires to appeal his efficiency rating will be given an opportunity to do so in writing, within ten days from receipt of written notice of the rating, in the case of circuit courts to the chief circuit judge of the circuit, and in the case of district courts to the resident district judge

if there be only one, the chief district judge if there be more than one. A hearing will then be held by the judge in the presence of the officer or employee and the rating officer. Both the officer or employee and the rating officer or either may be represented in the hearing by another person at the option of both or either. The judge will determine the final efficiency rating to be assigned without further review.

(e) The procedure in case of vacancies in judgeships.

In case of a vacancy in the office of a judge who would normally perform any of the functions relating to efficiency rating under this plan, such functions may be performed by the judge designated to act during the vacancy. The rating form in such cases should bear appropriate notations, showing the name of the acting judge, also the rating period covered.

(f) The record of efficiency ratings.

The rating forms should be transmitted to the Administrative Office for proper notation within twenty days from the date when written notice of the rating is sent to the officer or employee, or if the rating is reviewed, within ten days from the date of the decision on review. The rating forms will be preserved in the personnel file of the officer or employee concerned in the Administrative Office. Copies of the forms may be kept in the respective offices in the districts.

Upon motion made and adopted, the Conference approved the plan as submitted, and directed that it be promptly put into operation.

Salaries, Classification—Division Heads, Administrative Office.—The Director reported that on November 14, 1949, he had recommended to the United States Civil Service Commission pursuant to § 505a of the Classification Act of 1949, that the Commission approve the classification of the positions of the chiefs of the four divisions in the Administrative Office, namely, Procedural Studies and Statistics, Bankruptcy, Probation and Business Administration, in Grade 16 of the general schedule. The four positions are presently classified in Grade GS-14 with salaries in that grade varying for length of service.

The Director stated that the head of each division had the responsibility for devising and carrying out the program of the Administrative Office in his field with only general supervision of the Director; that the duties and problems involved were difficult and

delicate, calling constantly for a high degree of understanding, discriminating judgment and exceptional skill in interpreting the administrative policies involved to the offices of the courts concerned through whom alone they can be carried out. The Director added that the present incumbents of each of the four positions had in his work demonstrated conspicuous ability which was generally recognized. He said that in his opinion their positions should be classified in a higher grade than GS-16 except that in the over-all organization of the office, that seemed to be the logical grade.

The Conference approved the action of the Director in recommending to the Civil Service Commission the classification of the positions in Grade GS-16. It expressed the opinion that the grade asked was abundantly merited in each case and requested the Chief Justice, as its chairman, to transmit its endorsement of the recommendation of the Director to the Civil Service Commission and urge the Commission to give its approval. The Conference was strongly of the opinion that of the 300 positions in Grade GS-16 provided for under the Act, the Judiciary, as one of the three coordinate branches of the government, was entitled to the four requested, and that in view of the importance of the functions of each of the four officers in the administration of the federal courts, the Grade GS-16 would be no more than just and reasonable.

Budget, Estimates for Appropriations.—Pursuant to his requests, the Director was authorized to—

(1) Substitute a revised *proviso* in the text of the appropriation for miscellaneous salaries covering the salaries of secretaries and law clerks in the estimates for the fiscal year 1951 which were previously approved by the Conference. This revision is necessitated in order to bring the grade symbols and salary rates in line with those prescribed by the Classification Act of 1949, and the resolution adopted at this meeting of the Conference.

(2) Seek additional appropriations for the fiscal years 1950 and 1951 in amounts not to exceed \$276,100 and \$471,650, respectively, these amounts being estimates of additional sums needed to defray the costs of salary increases authorized by the Classification Act of 1949, the Executive Pay Act of 1949, and by the action of the Conference to bring the salaries of certain supporting personnel of the courts into line with those established for the executive branch by the Classification Act of 1949.

(3) In the event it is impossible to absorb the extraordinarily heavy increase in expenses incident to the costs of printing records on appeals in *in forma pauperis* cases without seriously impairing allotments for other facilities and services, submit an estimate for a deficiency appropriation for such expenses in the amount found to be necessary.

BANKRUPTCY ADMINISTRATION

The report of the Bankruptcy Division of the Administrative Office dated September 12, 1949, approved and adopted by the Director, recommending certain changes in the number and salaries of referees, and other changes in referee arrangements, based upon conclusions drawn from studies and resurveys conducted throughout the year, was submitted for the consideration of the Conference.

A review of the case filings indicated that filings of all types of cases since the establishment of the salary system in 1947 have increased 97.5 percent. In that year (1947) there were 13,170 filings; the estimate for the current fiscal year is 32,000, and for fiscal year 1951, 40,000 filings. The estimate for 1951 approximates the average filings for the 10-year period 1937-46 which was one of the base periods used when the system was established.

It was stated that the referee system is now on a self-sustaining basis. The salary fund, as of June 30, 1949, had a net surplus of \$150,522.87; and, on the same date, there was a surplus in the expense fund of \$276,988.55, this figure including approximately \$180,000 received from the old indemnity accounts of the referees when the system was installed.

Pursuant to the provisions of section 37 b (1) of the Bankruptcy Act, as amended, the Administrative Office made resurveys of various territories and referee offices during the year. These surveys were made usually at the request of the district judges or the referees. In each instance the original surveys which covered the 10- and 5-year periods ending June 30, 1946 were extended through June 30, 1949. These surveys took into account the number, size and type of pending cases; the number, size and type of new cases referred since July 1, 1947; the payments in each district and by each referee into the salary and expense funds; the time necessarily spent in traveling; the proportion and character of cases arising away from headquarters, and the number of large

asset and arrangement cases handled. Consideration was also given to the amount and character of judicial work required of the referee.

As a result of these studies and resurveys, it was evident that there were three principal factors contributing to the need for enlarged referee service—(1) the sustained and continuing increase in the volume of business; (2) the large increase in the number and size of asset and arrangements cases, and (3) the great increase in the amount of litigation of all kinds before the referees. The latter factor results from the fact that Bankruptcy Courts have now become recognized as the court of general jurisdiction in bankruptcy matters after a referral has been made.

Practically every district in which any change was recommended by the Director was visited by representatives of the Bankruptcy Division who conferred with the district judges, the referees and others interested in bankruptcy matters.

Chief Judge Phillips, Chairman of the Committee on Bankruptcy Administration, advised that pursuant to the action taken by the Conference in September the district judges and judicial councils of the various districts and circuits affected by the recommendations of the Director had been requested to submit their comments together with any recommendations they desired to make. The replies which were received have been considered. In the light of the report and recommendations of the Director, and after a review and consideration of the studies and resurveys made by the Administrative Office, as well as other pertinent data and material, the Committee recommended the following increases in salaries of the referees, changes in the number of referees and changes in referee arrangements:

Salary Increases for Referees

District	Regular place of office	Type of position	Annual salary	
			Present	Proposed
Maine.....	Portland.....	Part time.....	\$4,500	\$5,000
Do.....	Bangor.....	do.....	1,500	2,500
Connecticut.....	Bridgeport.....	do.....	3,500	5,000
Delaware.....	Wilmington.....	do.....	2,000	2,500
Pennsylvania:				
Eastern.....	Reading.....	do.....	3,000	4,000
Western.....	Erie.....	do.....	2,000	2,500
North Carolina—Middle.....	Greensboro.....	do.....	2,500	3,000
South Carolina—Eastern.....	Columbia.....	do.....	1,500	2,000

Salary Increases for Referees—Continued

District	Regular place of office	Type of position	Annual salary	
			Present	Proposed
Virginia—Western	Roanoke	Part time	\$3,500	\$4,500
Alabama:				
Northern	Anniston	do	2,500	4,500
Middle	Montgomery	do	4,000	5,000
Southern	Mobile	do	1,500	2,500
Georgia:				
Middle	Macon	Full time		6,500
Southern	Savannah	Part time	2,000	2,500
Louisiana:				
Eastern	New Orleans	do	3,500	5,000
Western	Shreveport	do	3,500	4,500
Texas:				
Northern	Dallas	do	4,000	5,000
Do	Lubbock	do	1,200	2,000
Western	El Paso	do	1,000	1,800
Kentucky—Western	Louisville	Full time	7,000	7,500
Michigan—Western	Grand Rapids	do	7,000	9,000
Ohio—Southern	Columbus	do	8,000	9,000
Tennessee:				
Middle	Nashville	do	6,500	7,500
Western	Memphis	do	7,000	9,000
Indiana:				
Northern	Gary	Part time	3,500	4,500
Do	Fort Wayne	do	1,500	2,000
Wisconsin—Western	Madison	do	3,000	3,500
Missouri:				
Eastern	St. Louis	Full time	8,000	9,000
Western	Kansas City	do	8,000	9,000
Nebraska	Omaha	Part time	2,000	2,500
Arizona	Phoenix	do	4,000	5,000
California—Southern	San Diego	do	4,000	5,000
Idaho	Boise	do	1,800	2,500
Oregon	Corvallis	do	3,500	5,000
Do	La Grande	do	900	1,500
Washington—Eastern	Spokane	do	3,000	4,000
Hawaii	Honolulu	do	2,500	3,500
Kansas	Topeka	Full time	7,500	9,000
Oklahoma—Northern	Tulsa	Part time	3,000	3,500

Changes in Referee Arrangements

Middle District of Georgia.—The present part-time referee position in this district, with regular place of office at Macon, be changed to a full-time referee position.

In the light of the recommendations of the district judges, the various judicial councils and the Director, and the substantial and material increase in the volume of business in the particular referee positions involved, the Conference, pursuant to the provisions of section 37 b (1) and c and section 40 b of the Bankruptcy Act, as amended, approved the salary increases proposed by the

Committee and the changes in referee arrangements recommended, to become effective December 1, 1949.

Changes in Referee Arrangements, Salary Increase, Referee position, Norfolk, Eastern District of Virginia.—In view of the Director's recommendations, which were concurred in by the district judges and the judicial council concerned, the Conference directed that the part-time referee position at Newport News, Virginia, which is vacant at the present time, be abolished, and the territory formerly served by the referee at Newport News, consisting of the counties of Warwick, Elizabeth City, York, James City, Gloucester, and Mathews, be consolidated with the territory served by the referee at Norfolk, Va. and that Newport News be designated as a place of holding court for the referee at Norfolk.

The Conference authorized an increase in salary for the referee position, with headquarters at Norfolk, Va., from \$3,000 to \$4,000 per annum.

Vacancies in referee positions, authority to make new appointments.—The Director advised that due to the retirement of the Referee, a vacancy in the part-time referee position at Lubbock, Tex., would occur on or about December 15, 1949; and that due to the resignation of the Referee, a vacancy in the part-time referee position at Baltimore, Md., would occur on January 1, 1950. He stated that in each instance the district judges and the circuit judicial councils concerned recommended that these positions be filled, and that he recommended that new appointments to these positions be made promptly upon their becoming vacant. Pursuant to the provisions of section 43 b of the Bankruptcy Act, as amended, the Conference authorized new appointments to be made to the referee positions involved immediately upon the occurrence of a vacancy therein.

United States Code, Recodification and Revision, Title 11, Bankruptcy.—The Director informed the Conference that the Committee on the Judiciary of the House of Representatives, through its Law Revision Counsel, had requested that there be submitted for its consideration suggestions with respect to any changes in the present provisions of Title 11 of the United States Code that were deemed advisable. The Conference directed the Committee on Bankruptcy Administration to communicate with

the Congressional Committee concerned with respect to their work on this project, and to take such action as the Committee considered was warranted.

THE PROBATION SYSTEM—*In-Service Training for Probation Officers*

The Director submitted a plan to make the probation office in Chicago a center for in-service training of probation officers who might be voluntarily assigned to the office for brief periods of in-service instruction by district courts in the central part of the country, and to authorize an increased salary for the Chief Probation Officer of the court in consequence of the increased responsibilities of the office.

The Director stated that a vacancy had occurred in the office of chief probation officer for the Northern District of Illinois through the recent retirement of the former chief; that the chief judge of the district court for the district, Judge John P. Barnes, was desirous to take advantage of this situation to appoint a new chief of outstanding ability who would be capable of putting the probation office of the court upon a high plane of efficiency. Judge Barnes suggested that if this was done the office might be made a center for brief in-service training both of newly appointed probation officers and of other officers who might wish to increase their proficiency through further instruction with the consent of the courts served in a large area accessible to Chicago. He said that he had been assured that the University of Chicago through its School of Social Service Administration would be ready to collaborate and give substantial support and aid in such a program. The program would require on account of the added duties of instruction which would devolve upon the chief probation officer and the capacity required to discharge them in addition to the usual administrative duties, that a somewhat higher salary be authorized than ordinarily for the chief probation officer.

The Director stated that he had recognized that the amount of in-service training given to Federal probation officers at the present time consisting mainly of discussion classes conducted in the different regions of the country for periods of less than a week every other year, was very limited and that it was highly desirable to give the probation officers more instruction in reference to their duties of presentence investigations and the supervision of pro-

bationers and paroled prisoners. Most Federal agencies carrying on comparable personnel work such as the Federal Bureau of Investigation, and the Federal Bureau of Prisons, have substantial programs for the instruction of their personnel. The Director said that in his opinion the establishment of the probation office in Chicago as a training center for probation officers who might be authorized by their courts to attend it would tend to improve the character of the work done by the Federal probation system. He said that the only cost would be the addition to the salary presently authorized for the office of chief probation officer of the district, and the cost of travel and subsistence incurred by probation officers in attendance at the training center. Consequently he recommended that the plan be approved and that he be empowered to classify the chief probation officer in grade GS-13 and fix his salary accordingly.

District Judge William J. Campbell of the District Court for the Northern District of Illinois was present and addressed the Conference in support of the plan. He stated that the University of Chicago stood ready to give consultative service through Professor Frank T. Flynn of the School of Social Service Administration in formulating and supervising the training program, and also to provide an amount of instruction the value of which would considerably exceed the added cost to the United States of the plan. He further expressed the conviction growing out of considerable experience which he has had in the field of social welfare that an increase in the amount of training of officers in the Federal probation system was much to be desired and would be reflected within a reasonable time in a better quality of work.

It was the sense of the Conference that the opportunity presented for a test of in-service training under the favorable conditions presented in the Chicago office because of its convenient accessibility to a large part of the country, and because of the valuable support of the University of Chicago which was offered should not be lost. Accordingly the Conference authorized the Director, in conjunction with the District Court for the Northern District of Illinois, and with the collaboration of the University of Chicago to proceed to develop and put into operation the plan proposed, and to classify the chief probation officer for the district in grade GS-13 and fix his salary accordingly.

THE COURT REPORTING SYSTEM

The Conference considered a report submitted by the Director in reference to matters concerning the court reporting system that had arisen since the regular annual meeting of the Conference in September.

Salary Increases in Specific Districts

After review of the duties of the positions, working conditions, and the earnings of the reporters concerned from their offices, the following salary increases were authorized, to become effective as soon as the state of the appropriations for the Court Reporting System will permit:

District of the Canal Zone.—The salary of the reporter who serves also as secretary to the judge, to be increased from \$4,000 to \$4,500 per annum.

District of the Virgin Islands.—The salary of the reporter who serves also as secretary to the judge to be increased from \$4,000 to \$4,500 per annum.

Changes in Court Reporting Arrangements

In view of changed conditions, the following changes in the provisions previously made by the Conference for official court reporting services in the districts concerned were approved, to become effective December 1, 1949.

Eastern District of Illinois.—The position of reporter serving solely in that capacity for the judgeship formerly held by Judge Walter Lindley is abolished and a new position for a reporter to act also as secretary to the judge at a salary of \$5,000 per annum is authorized to serve the judgeship now held by Judge Casper Platt.

Western District of Texas.—A new alternative position of reporter to serve also as law clerk for the judgeship now held by Judge Ben H. Rice, Jr., at a salary of \$5,000 per annum, is authorized, if the judge should find that preferable to the position presently authorized for a reporter who acts solely in that capacity at a salary of \$4,000 per annum.

LEGISLATIVE PROPOSALS PREVIOUSLY RECOMMENDED

Review of Orders of Certain Administrative Agencies.—Chief Judge Orie L. Phillips presented to the Conference a report of re-

cent developments relating to proposed legislation previously approved by the Conference dealing with the review of certain orders of the Interstate Commerce Commission, the Maritime Commission, the Federal Communications Commission, and the Secretary of Agriculture.

He informed the Conference that by agreement with the Attorney General and the agencies concerned the two bills previously approved by the Conference had been amended to clarify certain of their provisions and to eliminate from the bill relating to the Interstate Commerce Commission (H. R. 5488 of the 81st Cong.) provisions for the review of orders of the United States Maritime Commission and incorporate them into the bill providing for review of orders of the Communications Commission and the Secretary of Agriculture (H. R. 5487 of the 81st Cong.).

He reported also that the Communications Commission had requested that the bill relating to the review of its orders (H. R. 5487) should be further amended to limit its application to the review of orders now reviewable under section 402 (a) of the Communications Act (U. S. C. Title 47, § 402 (a)), thus leaving orders entered pursuant to § 402 (b) to be reviewed in the Court of Appeals for the District of Columbia under the procedure now specified in that section. In order to meet this suggestion, the venue provisions of the proposed legislation were amended to restrict the review of such (402 (b)) orders to the United States Court of Appeals for the District of Columbia. However, regardless of this, the Communications Commission continues to urge that review proceedings under section 402 (b) should be entirely eliminated from H. R. 5487.

The Conference was advised that the Department of Justice which had previously agreed that such orders should not be eliminated from the proposed legislation had now reversed its position and was in agreement with the view of the Communications Commission.

It was pointed out that if section 402 (b) orders should be eliminated from the bill, there would be an undesirable lack of uniformity in the procedural requirements for the review of the Communications Commission's orders, as the parties would then be required to comply with the procedures established under section 402 (b) of the Communications Act if the order sought to be re-

viewed is one falling within the purview of that section, whereas, if the order is one embraced by section 402 (a), which encompasses all other orders of the Commission, they would be required to pursue the form of procedure prescribed by H. R. 5487.

It was the view of Chief Judge Phillips and the majority of the committee, that a single uniform method of procedure for the review of all orders of the Communications Commission as now specified in H. R. 5487 should be adopted, and that the rights of the Commission to defend in the courts the orders covered at present by section 402 (b) of the Communications Act, which the Commission feared would be endangered by the provisions of H. R. 5487 giving the Attorney General the control of the interests of the Government in all court proceedings to which the bill applied, would be adequately preserved by §§ 8 and 10 of the bill which give the Commission the right to appear as a party of its own motion and as of right and to be represented by counsel in any proceeding to review its orders and to apply for certiorari from the judgment on review.

The Conference concurred with the views submitted and approved of the enactment of H. R. 5487 and H. R. 5488 in their present form, except that it agreed with a proposal of the Department of Justice, approved by Judge Phillips and a majority of the committee, to amend both bills to increase from 60 to 90 days the time for application for review by certiorari of final judgments of the courts of appeals, and from 30 to 45 days the time allowed for application for certiorari from interlocutory orders.

The attention of the Conference was also called to S. 1973 which makes extensive amendments throughout the Communications Act of 1934. The bill has passed the Senate and is now pending before the Committee on Interstate and Foreign Commerce of the House of Representatives. Section 15 of the bill amends section 402 of the Communications Act to provide a method for the review of orders of the Communications Commission that is at variance with the recommendations of the Judicial Conference. Judge Phillips pointed out that under section 402 (j) of the Communications Act as proposed for revision by section 15 of S. 1973, certain orders are reviewable by a three-judge court and appeal as of right lies to the Supreme Court from the judgment of the three-judge court, and that with respect to certain other orders, there is an

appeal to the United States Court of Appeals for the District of Columbia and also an appeal as of right from the judgment of the court of appeals to the Supreme Court.

The Conference was of the view that appeal as of right to the Supreme Court should not be thus enlarged and accordingly recorded its disapproval of the proposed section 402 (j) (1) of S. 1973 (p. 26, lines 20-25; p. 27, lines 1-11 of the House of Representatives print, dated August 10, 1949).

The Conference authorized the committee on Review of Orders of Certain Administrative Agencies to present the Conference recommendations to the appropriate committees of the Congress and to urge the enactment of legislation in accordance with the views of the Conference.

There being no further business to come before the Conference, the Conference declared a recess subject to the call of the Chief Justice.

For the Judicial Conference of the United States:

FRED M. VINSON,
Chief Justice.

Dated: Washington, D. C., December 8, 1949.