
REPORT
of the
PROCEEDINGS OF THE
JUDICIAL CONFERENCE OF THE
UNITED STATES

SEPTEMBER 19-20, 1974

WASHINGTON, D.C.

1974

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

Rowland F. Kirks
Director

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THE JUDICIAL CONFERENCE OF THE UNITED STATES, 28 U.S.C. 331

§ 331. JUDICIAL CONFERENCE OF THE UNITED STATES

The Chief Justice of the United States shall summon annually the chief judge of each judicial circuit, the chief judge of the Court of Claims, the chief judge of the Court of Customs and Patent Appeals, and a district judge from each judicial circuit 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. Special sessions of the conference may be called by the Chief Justice at such times and places as he may designate.

The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit at the annual judicial conference of the circuit held pursuant to section 333 of this title and shall serve as a member of the conference for three successive years, except that in the year following the enactment of this amended section the judges in the first, fourth, seventh, and tenth circuits shall choose a district judge to serve for one year, the judges in the second, fifth, and eighth circuits shall choose a district judge to serve for two years and the judges in the third, sixth, ninth, and District of Columbia circuits shall choose a district judge to serve for three years.

If the chief judge of any circuit or the district judge chosen by the judges of the circuit is unable to attend, the Chief Justice may summon any other circuit or district judge from such circuit. If the chief judge of the Court of Claims or the chief judge of the Court of Customs and Patent Appeals is unable to attend, the Chief Justice may summon an associate judge of such court. Every judge summoned shall attend and, unless excused by the Chief Justice, shall remain throughout the sessions of the conference and advise as to the needs of his circuit or court 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 conference shall also carry on a continuous study of the operation and effect of the general rules of practice and procedure now or hereafter in use as prescribed by the Supreme Court for the other courts of the United States pursuant to law. Such changes in and additions to those rules as the conference may deem desirable to promote simplicity in procedure, fairness in administration, the just determination of litigation, and the elimination of unjustifiable expense and delay shall be recommended by the conference from time to time to the Supreme Court for its consideration and adoption, modification or rejection, in accordance with law.

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.

Table of Contents

REPORT OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES, SEPTEMBER 19-20, 1974

	Page
Call of the Conference.....	41
Elections.....	43
Report of the Director of the Administrative Office of the United States Courts.....	44
Committee on the Budget.....	45
Court Administration.....	47
Representation of Judicial Officers.....	47
Judicial Survivors Annuity Act.....	47
Additional Judgeships.....	48
Statistics on Fugitive Criminal Cases.....	49
Civil Docket Package.....	50
Supporting Personnel.....	50
Special Legal Staff for Ninth Circuit.....	50
Staff Law Clerks—Fourth Circuit.....	51
Court Reporters' Transcript Rates.....	51
Court Reporters' Salaries.....	51
Clerks' Offices—Courts of Appeals.....	51
Clerks' Offices—District Courts.....	51
Probation Officers.....	52
Miscellaneous Positions—Courts of Appeals.....	52
Interpreter.....	52
Retirement of Directors of Administrative Office and Federal Judicial Center.....	52
Legislation.....	53
Review Committee.....	53
Joint Committee on the Code of Judicial Conduct.....	54
Advisory Committee on Judicial Activities.....	55
Committee on the Operation of the Jury System.....	55
Land Condemnation.....	55
Protection of Jurors' Employment.....	55
Automated Jury Selection.....	56
Size of Juries.....	56
Periodic Reporting.....	56
Automation Project.....	56
Qualification as a Restoration of Civil Rights.....	57
Excuses and Exemptions.....	57
Committee on the Administration of the Criminal Law.....	58
Speedy Trial Legislation.....	58
Review of Sentences.....	58
Grand Jury.....	59
Voluntary Surrender.....	59
Committee on Habeas Corpus.....	59

	Page
Committee on Intercircuit Assignments	60
Recommendation	60
Committee on Rules of Practice and Procedure	60
Bankruptcy Rules	60
Criminal Rules	61
Rules of Evidence	61
Appellate Rules	61
Committee to Implement the Criminal Justice Act	62
Appointments and Payments	62
Defender Offices	62
Grand Jury Witnesses	63
Parole Revocation Proceedings	63
Representation on Appeal	63
Counsel in Discretionary Appeals	63
Committee on the Administration of the Probation System	64
Sentencing Institute	64
Protection of Probation Officers	64
Voluntary Surrender Procedures	64
Form to Facilitate Communications	65
Committee on the Administration of the Bankruptcy System	65
Salaries and Arrangements for Referees	65
Case Filings	68
Referees' Salary and Expense Fund	69
Cost of Living Increases	69
Committee on the Administration of the Magistrates System	69
Salary Matters	69
Cost of Living Increases	70
Changes in Magistrates Positions	70
Special Report	97
Commemoration	97
Pretermission of Terms of Courts of Appeals	98
Release of Conference Action	98

Report of the Proceedings of the Judicial Conference of the United States

September 19-20, 1974

The Judicial Conference of the United States convened on September 19, 1974, pursuant to the call of the Chief Justice of the United States issued under 28 U.S.C. 331. The following members of the Conference were present:

District of Columbia Circuit:

Chief Judge David L. Bazelon
Chief Judge George L. Hart, Jr., District of Columbia

First Circuit:

Chief Judge Frank M. Coffin
Chief Judge Andrew A. Caffrey, District of Massachusetts

Second Circuit:

Chief Judge Irving R. Kaufman
Chief Judge Jacob Mishler, Eastern District of New York

Third Circuit:

Chief Judge Collins J. Seitz
Chief Judge Michael H. Sheridan, Middle District of Pennsylvania

Fourth Circuit:

Chief Judge Clement F. Haynsworth, Jr.
Judge Charles E. Simons, Jr., District of South Carolina

Fifth Circuit:

Chief Judge John R. Brown
Chief Judge Alexander A. Lawrence, Southern District of Georgia

Sixth Circuit:

Chief Judge Harry Phillips
Judge Robert L. Taylor, Eastern District of Tennessee

Seventh Circuit:

Chief Judge Luther M. Swygert
Judge James E. Doyle, Western District of Wisconsin

Eighth Circuit:

Chief Judge Floyd R. Gibson
 Chief Judge James H. Meredith, Eastern District of Missouri

Ninth Circuit:

Chief Judge Richard H. Chambers
 Judge Jesse W. Curtis, Central District of California

Tenth Circuit:

Chief Judge David T. Lewis
 Chief Judge Frederick A. Dougherty, Western District of Oklahoma

Court of Claims:

Chief Judge Wilson Cowen

Court of Customs and Patent Appeals:

Chief Judge Howard T. Markey

Senior Circuit Judge Elbert P. Tuttle; Circuit Judges Robert A. Ainsworth, Jr., Edward A. Tamm, J. Skelly Wright; Senior District Judges Roy W. Harper, Walter E. Hoffman, Arthur J. Stanley, Jr., Roszel C. Thomsen, Carl A. Weinman and District Judges Dudley B. Bonsal, Charles M. Metzner, Edward Weinfeld, Albert C. Wollenberg and Alfonso J. Zirpoli attended all or some of the sessions of the Conference. Ambassador Richard D. Kearney also attended the second session of the Conference in connection with a report of the Advisory Committee to the Secretary of State on Private International Law.

The Honorable Robert H. Bork, Solicitor General of the United States, addressed the Conference on the morning of the first day of the Conference concerning matters pending in the Department of Justice of interest to the federal judiciary.

The Honorable Alfred P. Murrah, Director of the Federal Judicial Center and Chairman of the Panel on Multidistrict Litigation, reported orally on the work of the Center and of the Panel and submitted written reports on behalf of each organization.

Mr. Mark Cannon, Administrative Assistant to the Chief Justice, Mr. Rowland F. Kirks, Director of the Administrative Office of the United States Courts, Mr. William E. Foley, Deputy Director, and Mr. Joseph F. Spaniol, Executive Assistant to the Director, attended all of the sessions of the Conference.

ELECTIONS

The election of the Honorable Walter E. Hoffman, Senior Judge of the United States District Court for the Eastern District of Virginia, by the Board of the Federal Judicial Center to succeed the Honorable Alfred P. Murrah as Director of the Federal Judicial Center, commencing October 27, was announced. Upon his election to be the next Director of the Center Judge Hoffman submitted his resignation as a member of the Board of the Federal Judicial Center. Upon nomination of the Executive Committee, the Judicial Conference approved the Honorable Alfred A. Arraj, Chief Judge of the United States District Court for the District of Colorado, to fill the unexpired term of Judge Hoffman.

The Conference, noting that by operation of statute, Judge Alfred P. Murrah completes his term as Director of the Federal Judicial Center on October 27, adopted the following resolution:

The Judicial Conference of the United States affectionately salutes Judge Alfred P. Murrah as he completes his term as Director of the Federal Judicial Center. Named as successor to Justice Tom C. Clark by the Board of the Center in 1970, Judge Murrah has built upon the foundation established by Justice Clark and has brought the Judicial Center to a position of maturity and preeminence among the institutions of the nation devoted to the administration of justice.

Judge Murrah was no stranger to the work and activities of the Center. In his capacity as Chairman of the Judicial Conference Committee on Pretrial Procedure, a position which he held for more than twenty years, Judge Murrah conducted seminars for United States judges, undertook studies and developed procedures designed to improve the administration of justice throughout the federal court system. He was not only instrumental in the passage of the Federal Judicial Center Act, but the example of his work was the principal justification for its creation.

Throughout his judicial career of more than 36 years, Judge Murrah has been closely associated with the work of this Conference, and has regularly attended its sessions for more than a quarter century. He was first a member of the Judicial Conference Committee on Pretrial Procedure and became its Chairman in 1948. This work led him into the field of protracted litigation. In 1955 he became Chairman of the Judicial Conference Study Group on Protracted Litigation, in 1961 the Chairman of the Coordinating Committee for Multiple Litigation, and in 1968 the Chairman of the Judicial Panel on Multidistrict Litigation. Judge Murrah was a member of the Conference from 1960 to 1970, by virtue of his position as the Chief Judge of the United States Court of Appeals for the Tenth Circuit. His judicial career started at age 32 through appointment to the bench by President Franklin D. Roosevelt.

To the members of the Conference, and to judges throughout the nation, Judge Murrah is known as "Mr. Judicial Administration." He has always been willing to share the problems of any court or judge and his helpful advice and counsel

have been a source of inspiration to all. No judge in the history of the nation has more firmly secured the friendship and confidence of so many judges. Although Judge Murrah's activities in forums around the country in furthering the administration of justice have been tireless, still he is now and always has been, essentially a working judge whose legal opinions have become landmarks in the law.

In bidding him a fond farewell from his official position as Director of the Federal Judicial Center to resume his duties in his own circuit and elsewhere, the Conference looks forward to his continuing enthusiastic support, helpful advice, and strong encouragement of the work of the Conference and the Judicial Center. We wish him godspeed and many more long years of work in the vineyards of justice.

REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

The Director of the Administrative Office, Mr. Rowland F. Kirks, presented his annual report to the Conference and was authorized to release the report for general circulation pursuant to statute.

Mr. Kirks stated that filings of all types, except criminal cases, had risen during fiscal year ending June 30, 1974. Cases in the courts of appeals rose by 5.2 percent. New filings in civil cases in the district courts were up by 5.0 percent and bankruptcy cases increased by 9.4 percent. Criminal filings, on the other hand, were down by 6.3 percent.

In the courts of appeals, Mr. Kirks reported that since June 30, 1968, the pending caseload has risen more than 73 percent whereas the number of authorized judges has remained at 97 throughout this period. Considered on a per judgeship basis, the increases reflect an average additional workload of 79.8 percent in terms of filings, 87.1 percent in terms of terminations and 73.5 percent in terms of pending cases. Of the total appeals rising from district courts in the courts of appeals, approximately 70 percent were civil cases, due in large measure to an increase in cases involving real property actions, civil rights and prisoner petitions.

The report shows that the overall civil and criminal dockets in the district courts moved upward in 1974 by 3.3 percent, due entirely to the increase in civil filings. Terminations in civil cases dropped by 0.6 percent and the median time interval for civil cases closed (excepting land condemnation cases) was down by one month, reflecting an overall median of nine months. The decline in criminal cases, Mr. Kirks stated, can be attributed in large meas-

ure to the continuing reduction in selective service cases. Also, there was a drop in filings in immigration and liquor law cases, as well as drug law violations, many of which are now handled by the states or by United States magistrates. The magistrates in fiscal year 1974 disposed of 82,705 minor offense cases and handled initial proceedings in criminal felony cases in 100,152 proceedings.

The report states that every judicial district registered increases in total filings in bankruptcy. In the past fiscal year 20,746 business bankruptcies were filed, setting an all-time record since comparable statistical data were maintained beginning in 1940. The highest percentage of these was in the Northeastern section of the country and was filed in the second half of the fiscal year.

Mr. Kirks also pointed to the continued improvement in the utilization of jurors in the entire federal system. For the past three years there has been a decrease of 18 percent in the juror usage index and the percentage of prospective jurors selected for, or who have served on, jury trials has continued to increase. Mr. Kirks estimated that a total of 270,574 juror days have been saved since 1971, resulting in an estimated savings in juror attendance fees of more than five million dollars.

COMMITTEE ON THE BUDGET

The report of the Committee on the Budget was presented by its Chairman, Judge Carl Weinman.

Judge Weinman stated that the cost of operations of the federal judiciary during fiscal year 1974 was \$200,640,786, leaving an unobligated balance of \$5,677,214 to be returned to the Treasury. Substantial savings were realized by reason of delay in the enactment of the appropriation bill as well as a very large saving in the appropriation for "fees of jurors" due in large measure to the use of six-member juries in civil cases and improvements in the management and utilization of jurors.

Judge Weinman stated that the appropriation bill for fiscal year 1975 was at the time of the Conference before the Senate-House conference committee to reconcile the differences between the bills passed in each House of Congress. He said that the House bill approved six additional deputy clerks for the courts of appeals and 59 deputy clerks for the district courts, as well as 39 new positions

in the Administrative Office, including ten for the establishment of an Office of Judicial Examinations. The Senate bill approved an additional \$22,000 for two pool secretaries for the Eighth Circuit and also included a proviso in the text of the bill to permit the appointment of a senior law clerk in each circuit at a salary not to exceed \$30,000 per annum. Although no funds were provided for these senior law clerks, the Conference adopted a resolution approving the concept of a senior staff law clerk in every court of appeals and directed its Subcommittee on Supporting Personnel to develop standards and position classifications for these positions based upon age and experience and to report thereon to the Conference at its next session.

Judge Weinman then presented to the Conference the Committee's recommendations for budget estimates for fiscal year 1976 and the Conference agreed thereto, subject to the proviso that if any action was taken at the September session which would increase the budgetary requirements the estimates were to be adjusted accordingly. The total estimate for fiscal year 1976 was \$313,218,000. The largest item of increase is in the estimate for salaries of supporting personnel, including requests for nine deputy circuit executives, nine senior law clerks for the courts of appeals, 24 deputy clerks for the district courts and 155 additional probation officers. The Conference approved the sum of \$16,531,000 for the representation of court-appointed counsel and the operation of the defender organizations established under the Criminal Justice Act, an increase of \$705,000 over the adjusted appropriation for 1975.

Judge Weinman pointed out to the Conference that in July 1974 the Congress passed, and the President approved, Public Law 93-344, the so-called Congressional Budget and Impoundment Control Act of 1974. Among other things the Act establishes a new fiscal year to commence October 1, 1976 and annually thereafter on October 1. It provides a new timetable for the presentation and review of the federal budget. Because of the potential impact of this legislation on the judiciary and the possible effect on the scheduling of committee meetings and the sessions of the Conference, the Chief Justice was authorized, if he so desired, to appoint an ad hoc committee to consider changes in the present timetable of meetings.

COURT ADMINISTRATION

The report of the Committee on Court Administration was presented by its Chairman, Judge Robert A. Ainsworth, Jr.

REPRESENTATION OF JUDICIAL OFFICERS

The Conference was advised that in recent years there has been an acute proliferation of suits filed against judicial officers by reason of the performance of their official duties. Such suits have been filed not only against judges but against clerks of court, magistrates, referees in bankruptcy and officers of the Administrative Office of the United States Courts. Those cases in the nature of mandamus brought against a judge seeking to direct him to take or to refrain from taking certain action are not considered to present a great problem but those cases filed by disgruntled litigants or others which frequently may be without merit nevertheless require that the judicial officer appear, make answer and defend. While the Department of Justice normally represents a judicial officer in such litigation, there have been several occasions in the recent past where it has not appeared to be appropriate to have representation by the Department of Justice. Accordingly, the Conference considered and directed the Administrative Office to forward to the Congress a proposed bill which would add a new section 451 to Chapter 21 of Title 28 United States Code to provide that when a judicial officer is sued in his official capacity or is otherwise required to defend his alleged official acts or omissions and when the services of an attorney for the government are not reasonably and appropriately available for his representation pursuant to Section 516 and Section 547 of Title 28, the Director of the Administrative Office is authorized to pay the costs of his defense in such amounts and under such regulations as may be approved by the Judicial Conference of the United States.

JUDICIAL SURVIVORS ANNUITY ACT

The Conference received a written report from Judge Oren Harris, who had previously been requested by the Conference to work with the Administrative Office and the Congress in connection with the proposed amendments to the Judicial Survivors Annuity Act. The Conference requested Judge Harris to continue

in this capacity and also to work with the Subcommittee on Judicial Improvements of the Committee on Court Administration in its consideration of amendments to the Act. The Conference also referred to the Subcommittee for further study a recommendation of the Judicial Council of the Sixth Circuit which would permit a widow of a judge who is receiving benefits under the Act to continue to receive such benefits in the event of remarriage.

ADDITIONAL JUDGESHIPS

The Conference received the report of the quadrennial survey of the courts of appeals made in 1974 by the Subcommittee on Judicial Statistics. As a result of the survey, the Conference approved the recommendation to the Congress to create the following circuit judgeships.

Circuit :	<i>Judgeships</i>
District of Columbia.....	0
First	1
Second	0
Third	1
Fourth	2
Fifth	0
Sixth	1
Seventh	1
Eighth	1
Ninth	5
Tenth	1
Total.....	13

In connection with the recommendations relating to the Fifth and Ninth Circuits, the Conference did not indicate any position on proposals relating to realignment of these circuits but did indicate the urgent need for the allocation of additional judgeships to the geographical area now represented by the Ninth Circuit. No recommendation was made as to the Fifth Circuit since its Circuit Council does not desire to go beyond the present level of 15 for that circuit so long as it is not divided.

The recommendations, approved as a result of the 1974 quadrennial survey, differ from those made in the last quadrennial survey and contained in proposed legislation pending in the Congress in that the last survey made no recommendation as to the District of Columbia Circuit whereas the circuit council now requests three new judgeships. The Conference was agreed that until the workload

of the circuit stabilizes following the recent court reorganization, no accurate evaluation of workload is feasible.

The Conference noted that while statistically the Second Circuit would be entitled to additional judges, the circuit council believes it can operate most efficiently with nine judges. The Conference agreed on the need for an additional judgeship for the Eighth Circuit and for five additional judgeships for the area now served by the Ninth Circuit.

STATISTICS ON FUGITIVE CRIMINAL CASES

The Conference agreed with a recommendation of the Committee that standardized procedures are now needed to provide a better means of managing the active docket and of compiling statistics that accurately reflect a court's work while meeting the requirement of Rule 50(b) of the Federal Rules of Criminal Procedure. Accordingly, the Conference agreed on a local rule for establishing a statistically inactive criminal suspense docket as follows:

- A. There shall be established a special docket entitled:
"Inactive Criminal Suspense Docket" (or other similar name)
- B. The cases to be placed on this docket are those that in respect to one or more defendants:
 - (1) for reasons beyond the control of the United States attorney cannot be further prosecuted or tried for an indefinite period and
 - (2) for good reasons should not be dismissed for lack of prosecution under Federal Rules of Criminal Procedure, 48.
- C. Each case meeting these requirements shall be transferred to the Inactive Criminal Suspense Docket until the court orders otherwise in writing upon motion of any party or on its own motion.
- D. The removal of any case to the Inactive Criminal Suspense Docket with respect to one or more defendants in no way affects the prosecution of the case as to other defendants unless the United States Attorney certifies that a trial is not feasible under the circumstances. In that event, upon order of the court, the entire case shall be transferred to the Inactive Criminal Suspense Docket, to the extent the transfer is compatible with the requirements of Rule 50(b), Federal Rules of Criminal Procedure.
- E. Removal of a case transferred to the Inactive Criminal Suspense Docket in no way affects the final prosecution of the case since on its motion the United States Attorney may reopen the case.
- F. The clerk shall furnish the chief judge at least once every three months (beginning June 30, 1974 and thereafter on September 30, December 31, March 31, and June 30) a list of all cases transferred to the Inactive Criminal Suspense Docket with one copy submitted to the Division of Information Systems, Administrative Office of the United States Courts, and one copy to the United States Attorney. The list is to contain the docket and defendant number and name of the defendant, the reason for being placed on the Inactive Criminal Suspense Docket, and the date of placement on the Inactive Criminal Suspense Docket. For those removed, the date of removal and reason is to be provided.

G. The chief judge, or his designate, shall consult with the United States Attorney, or the Attorney General annually or more often to ascertain whether defendants in cases transferred to the Inactive Criminal Suspense Docket should be returned to the active docket or dismissed from the Inactive Criminal Suspense Docket.

CIVIL DOCKET PACKAGE

The Conference was advised that an experimental civil docket package developed by the Administrative Office has been in use in 11 district courts, along with a companion form JS 44. This docket package is designed to reduce the clerical effort required to initiate the docket sheet and the JS 5 and JS 6 statistical reports for each case and, in addition, removes the burden of searching the complaint for the issue involved from the filing clerk to the attorney. This information is necessary, of course, for the placement of the case into the appropriate statistical nature of suit category. In view of the excellent test results and the comments from the users of the experimental form, the Committee recommended and the Conference approved the extension of the new civil docket sheet to all district courts by January 1, 1975 in accordance with Rule 79(a) of the Federal Rules of Civil Procedure.

SUPPORTING PERSONNEL

Special Legal Staff for Ninth Circuit

The Conference took note of the rapid increase in case filings in the last ten years in the Court of Appeals for the Ninth Circuit and the report of that court which indicates that it is constantly falling behind in trying to cope with the increase in filings. The Conference deliberated at length as to the best way of coping with this problem in the geographical area now served by the Ninth Circuit and agreed that the primary need was for more judge-power. The Conference agreed further that, so long as the number of judgeships remains as it now is, it would approve the request of the Court of Appeals for the Ninth Circuit for 13 additional staff attorneys and five secretaries to assist the present staff which has been operating as a screening panel for the court. The Conference agreed to place the request for these positions in the 1976 budget estimates with the proviso that the positions are to be filled pursuant to the actual state of demonstrated need at the relevant time.

Staff Law Clerks—Fourth Circuit

The Conference approved the request of the Chief Judge for the Fourth Circuit to include in the 1976 budget request two staff law clerks and one secretary for the Court of Appeals.

Court Reporters' Transcript Rates

The Conference approved an increase in maximum transcript rates of court reporters as follows:

1. *Daily* copy from the present rate of \$2.00 per page for the original to \$2.50, the flat rate of \$.50 per page for each copy after the original to remain unchanged.
2. *Ordinary* copy from the present rate of \$1.00 per page for the original to \$1.25, with a flat rate of \$.50 per page for each copy after the original.

Court Reporters' Salaries

The Conference agreed to grant salary increases to those official court reporters eligible to receive the increases under the new plan of qualifications and compensation for official court reporters in the district courts (see Conf. Rept. March 1971, p. 27). Based on the current status of the 1975 appropriation bill, the increases will be limited to five percent of base salary although funds for a ten percent increase were requested and the Administrative Office will continue to pursue this request.

Clerks' Offices—Court of Appeals

In accordance with guidelines previously established, the Conference directed the Director of the Administrative Office to include in the fiscal year 1976 budget a sufficient number of deputy clerks for the courts of appeals which would adjust the ratio of deputy clerks to the filings projected for fiscal year 1976 to 1 to 75, and to meet any other justifiable needs according to the equities thereof. Any additional positions authorized for fiscal year 1975 are to be deducted from this number on a court-by-court basis.

Clerks' Offices—District Courts

In accordance with previously established guidelines, the Conference approved a recommendation that the Director of the Administrative Office include in the fiscal year 1976 budget a sufficient number of deputy clerks to adjust the ratio of deputy clerks to

civil and criminal filings projected for the various district courts for fiscal year 1976 to 1 to 100, and to meet any other justifiable needs according to the equities thereof. Any additional positions authorized for fiscal year 1975 are to be deducted from this number on a court-by-court basis.

The Conference further authorized the inclusion in the budget of a request for funds for additional personnel for the clerks' offices from time to time and in such number as the workload warrants for the performance of the additional duties brought about by the impact of the United States magistrates system upon the work of the clerks' offices, particularly that of the Central Violations Bureau.

Probation Officers

The Conference agreed that the fiscal year 1976 request for probation officers and clerk-stenographers in the probation offices be the total of the unfulfilled requests for fiscal year 1975 and the new requirements established for fiscal year 1976—155 probation officers and 116 clerk-stenographers.

Miscellaneous Positions—Courts of Appeals

The Conference agreed with the recommendation to seek one library clerk for the Second Circuit at New York City and one library clerk for the Third Circuit at Philadelphia as well as an assistant librarian for the Fourth Circuit at Richmond. The Conference further approved two motions clerks for the United States Court of Appeals for the District of Columbia Circuit and one each for the Second Circuit and the Third Circuit. The Conference also requested the Subcommittee on Supporting Personnel to review the needs of satellite libraries with a view to making a recommendation to the next session of the Conference.

Interpreter

The Conference approved the request for an interpreter for the Southern District of Texas at Laredo.

RETIREMENT OF DIRECTORS OF ADMINISTRATIVE OFFICE AND FEDERAL JUDICIAL CENTER

The Conference considered a report on the present statutory provisions relating to the retirement of the Director and Deputy

Director of the Administrative Office and the Director of the Federal Judicial Center and agreed to recommend to the Congress a proposed bill which would amend Section 611 and Section 627 of Title 28, United States Code. The Conference noted that the position of Deputy Director of the Federal Judicial Center is not a statutory position. The proposed legislation would apply as well to the Administrative Assistant to the Chief Justice. In approving these recommendations the Conference noted that the present statute makes no provision for cost-of-living increases and that while the proposed legislation would not affect present incumbents of the positions, the retirement provisions are not geared to attract and hold qualified individuals who do not have long civil service retirement credit or other types of retirement benefits, and that the statute should be amended to bring the retirement benefits in line with similar benefits in comparable positions.

LEGISLATION

The Conference disapproved S. 3590 which would permit a judge who retires at less than full salary under 28 U.S.C. 372 to receive a prorata salary of his office while serving on an intercourt assignment under 28 U.S.C. 294 and upon completion of ten years of service to receive the full salary of the office.

The Conference disapproved S. 3501 relating to consumer claims which would reduce to \$1,000 the amount in controversy in federal question and diversity cases and permit such cases to be tried before a magistrate with right of trial *de novo* in the district court.

The Conference disapproved H.R. 12745 providing for speedy consideration of cases arising in connection with the Central Utah Reclamation Project.

The Conference agreed that H.R. 9062 and H.R. 16423 concerning the resolution of claims and disputes relating to government contracts involve matters of legislative policy but the Conference urged that the Congress give consideration to the impact on the federal courts of the passage of such legislation.

REVIEW COMMITTEE

The report of the Review Committee was presented by Judge Edward A. Tamm, Chairman.

Judge Tamm advised the Conference that his Committee had completed its review of the public reports of extrajudicial income filed by judicial officers for the period ending June 30, 1974, as well as a review of additional reports received for the six-month period ending December 31, 1973 which were filed too late for consideration at the prior meeting of the Committee.

Judge Tamm reported that the judicial officers who have not as of the convening of the Conference on September 19 filed reports of extra-judicial income for the period January 1 to June 30, 1974 are:

Listing, by Circuit, of Official Officers Who Have Not, as of September 19, 1974, filed Reports of Extra-Judicial Income for the Period January 1 to June 30, 1974.

Second Circuit:

**Edmund L. Palmieri
U.S. District Judge
**Sylvester J. Ryan
U.S. District Judge
**Edward Weinfeld
U.S. District Judge
**Inzer B. Wyatt
U.S. District Judge

Sixth Circuit:

**Frank J. Battisti
U.S. District Chief Judge

Ninth Circuit:

**Warren J. Ferguson
U.S. District Judge
**Peirson M. Hall
U.S. District Judge
**Harry Pregerson
U.S. District Judge
**Manuel L. Real
U.S. District Judge

Tenth Circuit:

Stephen S. Chandler, Jr.
U.S. District Judge

**Judges declining to file as a "matter of conscience."

The foregoing is set forth pursuant to the resolution of the Judicial Conference at its March 1971 session (Conf. Rept., p. 24) and subsequently amended to include full-time bankruptcy judges and magistrates.

The Conference discussed other aspects of the reporting of extrajudicial income and agreed that the reporting form should be revised so as to include all pertinent instructions so that judicial officers will have all necessary instructions before them in preparing the form.

JOINT COMMITTEE ON THE CODE OF JUDICIAL CONDUCT

The report of the Joint Committee was presented by Judge Edward A. Tamm, who with Judge Elbert P. Tuttle is a co-chairman of the Joint Committee.

The Conference considered the provisions of S. 1064, a bill to provide for the disqualification of judges, and disapproved the legislation on the basis that enactment is unnecessary at this time in view of the adoption by the Conference of the "Code of Judicial Conduct for United States Judges." The Conference was agreed that in the training of new judges the Federal Judicial Center should devote a substantial period of time to the Code, including references to the official Notes prepared by the reporter to the ABA Committee, and, further, that these matters should also be included in refresher courses for judges now being offered by the Center.

ADVISORY COMMITTEE ON JUDICIAL ACTIVITIES

Judge Elbert P. Tuttle, Chairman of the Advisory Committee on Judicial Activities, presented the Committee's report.

Judge Tuttle advised the Conference that since its last report to the March session the Committee has resolved through correspondence and Committee discussion ten formal inquiries from judges, bankruptcy judges and magistrates, and completed work on six inquiries received from the Review Committee. In addition, the Chairman of the Committee has resolved numerous informal inquiries by letter or telephone. In the last six months the Committee has published seven formal opinions, bringing to 38 the total number of formal opinions issued by the Committee.

COMMITTEE ON THE OPERATION OF THE JURY SYSTEM

The report of the Committee on the Operation of the Jury System was presented by Judge Arthur J. Stanley, Jr., Chairman.

LAND CONDEMNATION

The Conference, on recommendation of the Committee, disapproved two bills, S. 3446 and S. 510, which would effect changes in Rule 71A(h) of the Federal Rules of Civil Procedure by mandating jury trials in certain situations where land commissioners are also used.

PROTECTION OF JURORS' EMPLOYMENT

The Conference voted to reendorse H.R. 10897, a bill introduced as a result of a Conference recommendation at the September 1973

session (Conf. Rept., p. 56). The bill would provide for injunctive relief and a civil penalty against employers who discharge employees by reason of their service as federal jurors.

AUTOMATED JURY SELECTION

The Conference agreed to reendorse H.R. 10896, a bill originally recommended at the September 1973 session (Conf. Rept., p. 55). This bill would amend the Jury Selection and Service Act to define "public drawing" and to permit facsimile signatures on the jury summons to meet the requirements of automated processing.

SIZE OF JURIES

The Conference again expressed its approval of two pending bills, S. 2057 and H.R. 8285, to reduce the jury to six members in civil cases and to reduce peremptory challenges from three to two.

PERIODIC REPORTING

At the March 1974 session of the Judicial Conference (Conf. Rept., p. 21) the Conference agreed that working jury committees should be appointed by the chief judge in each circuit to keep abreast of developments in the field of jury selection and to deal with problems which exist or may arise in the several districts or divisions of the circuit. The Conference agreed again to request all courts which have not already done so to comply with this action. At the same time, in view of the fact that the data collection procedures on form JS 12 are in the process of being revised, the Conference agreed that no periodic reporting data need be submitted until further notice from the Judicial Conference when the JS 12 form revision has been completed.

AUTOMATION PROJECT

The Conference was advised that an increasing number of states are switching from county voter registration systems to state-wide systems, using automated data processing which allows constant purging and updating of the lists. Automated jury processing as a result is now feasible in a district even if less than half of all voter names in that district are on automated processing tapes. Time savings in districts which have adopted automated data processing

are projected at 50 to 74 percent of clerical time used in the manual process. The Conference agreed that all clerks of court whose jury selection procedures are not now fully or partially automated should seek out the information as to state or county voter list status from the appropriate state officials so that feasibility of conversion can be determined.

QUALIFICATION AS A RESTORATION OF CIVIL RIGHTS

The Conference was advised of a study prepared under the auspices of the Committee relating to subsection 5 of Section 1865(b) of Title 28, United States Code, which provides that a person is qualified for jury service unless he has a charge pending against him for the commission of or has been convicted of a crime punishable by imprisonment for more than one year "and his civil rights have not been restored by pardon or amnesty." The Committee's report pointed out that in light of the rapidly changing concepts of rehabilitation as seen in legislative enfranchisement of ex-felons in many state systems, the words "pardon or amnesty" should be deleted from the qualification section. The word "pardon" is considered to be inconclusive when applied to persons who have paid their debts to society as a result of convictions for crimes and who are frequently restored to full civic status by state and federal statutes and other procedures not coming within the definition of "pardon." The word "amnesty" appears inapplicable since it does not act to restore civil rights but precludes prosecution in the first instance. The Conference approved a draft bill to effect these purposes and agreed that the Subcommittee report should be sent to the Congress along with the legislative proposal.

EXCUSES AND EXEMPTIONS

The Conference received a report reflecting an examination of district jury plans and particularly exemption and excuse provisions and agreed that the report should be transmitted to the chief judge of each circuit for the purpose of forwarding the report to the reviewing panels for consideration. It specifically recommended that the jury plans be reexamined for the purpose of determining:

(1) Whether the exemption categories beyond the statutory 1863(b)(6) exemptions in the plans are too broadly stated and whether substantial reasons of policy underlie each class exemption;

(2) Whether the excuse categories are similarly overbroad;

(3) Whether both excuse and exemption categories eliminate professionals from jury lists in an overly broad manner;

(4) Whether students should be given temporary excuses (§ 1866(c)(1)), rather than permanent excuses (§ 1863(b)(5)) which removes them from consideration for jury service entirely;

(5) Whether, in districts which have excuses for a sole proprietor, a more adequate definition should be adopted as a class eligible for excuses such as the following:

Any person whose services are so essential to the operation of a business, commercial or an agricultural enterprise that said enterprise must close if such person were required to perform jury duty;

(6) Whether excuse structures which contain catch-all provisions not clearly authorized by § 1863(b)(5) (since they do not relate to any specific class or group of persons or occupational classes) should be deleted from those plans which contain them.

COMMITTEE ON THE ADMINISTRATION OF THE CRIMINAL LAW

Judge Alfonso J. Zirpoli, Chairman, presented the report of the Committee on the Administration of the Criminal Law.

SPEEDY TRIAL LEGISLATION

Judge Zirpoli advised that on the previous day he had testified before a subcommittee of the House Judiciary Committee on the Senate-passed bill, S. 754, which among other things would provide specific time limits for the criminal process. Judge Zirpoli submitted to the Conference his report on the operation of provisions of Rule 50(b) of the Federal Rules of Criminal Procedure and on his recommendation the Conference agreed to urge the House Judiciary Committee to defer action on S. 754 until the close of the fiscal year 1975 to enable the judiciary to prove the effectiveness of the Rule 50(b) plans in the prompt disposition of criminal cases.

REVIEW OF SENTENCES

The Conference was advised that the Committee favors the alternative to appellate review of sentences provided by the proposed amendment to Rule 35 of the Federal Rules of Criminal Procedure, with certain modifications as follows: (1) that the panel of review judges consist of one circuit and two district judges; (2) that membership on the panel be rotated as far as is practicable in the discretion of the assigning judge and (3) that the motion to review such sentences shall apply to any sentence which may result in imprisonment regardless of the period thereof.

GRAND JURY

Judge Zirpoli advised the Conference that his Committee had communicated to the Advisory Committee on Criminal Rules its view that Rule 6(a) of the criminal rules should be revised to reduce the number of grand jurors (preferably not less than nine nor more than 15, with the concurrence of two-thirds required for return of an indictment). The Advisory Committee was also told that the Criminal Law Committee approved a recommendation to amend Rule 6(e) to require the recording of all testimony and oral statements before the grand jury although many members of the Committee expressed serious reservations as to the wisdom of providing the alternative of electronic recording.

The Advisory Committee was also told that the Criminal Law Committee favors amendment of Rule 7(g) to provide that a motion to dismiss the indictment may not be based upon the ground that the indictment is not supported by sufficient evidence. The Committee also favored legislation under study by the Advisory Committee insofar as it would require witnesses not to disclose matters occurring before a grand jury when specifically directed to refrain from such disclosure by the court.

VOLUNTARY SURRENDER

Judge Zirpoli advised that his Committee, at the request of the Probation Committee, had reviewed the proposed statement of procedures to provide for the voluntary surrender of selected sentenced offenders to the Bureau of Prison's institutions and the proposed implementing legislation and it joined the Probation Committee in recommending Conference approval.

COMMITTEE ON HABEAS CORPUS

The report of the Committee on Habeas Corpus was presented to the Conference by its Chairman, Judge Walter E. Hoffman.

Judge Hoffman advised that the Committee had under consideration, in cooperation with a committee from the Federal Judicial Center, draft legislation dealing with "prisoner cases" filed under Section 1983 of Title 42, United States Code, and related statutes. This matter remains under study and will be the subject of a later report.

COMMITTEE ON INTERCIRCUIT ASSIGNMENTS

The report of the Committee on Intercircuit Assignments was presented by Judge Roy W. Harper and covered the period February 1 to August 15, 1974.

Judge Harper stated that during the reporting period the Committee recommended 94 assignments to be undertaken by 69 judges. Of this number, five are senior circuit judges, 11 are active circuit judges, 18 are district judges in active status and 19 are senior district judges. One retired Supreme Court justice, one senior judge of the Court of Claims and one senior judge of the Customs Court participated in seven assignments.

RECOMMENDATION

On recommendation of the Committee, the Conference endorsed the policy that district judges may be designated to serve on an intercircuit assignment for as short a period as two weeks and that such assignment shall not extend more than 750 miles beyond the boundary of their circuits. Upon such assignment the receiving court is to prepare a list of cases which are ready for trial and which are to be transferred to the visiting judge for trial upon his arrival, such list to contain at least 15 civil and at least eight criminal cases, or a combination of the two. The cases shall be set for trial at the times directed by the visiting judge.

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

The report of the standing Committee on Rules of Practice and Procedure was presented by the Chairman, Judge Roszel C. Thomsen.

BANKRUPTCY RULES

The Conference reviewed and approved for transmittal to the Supreme Court, with an endorsement for favorable action, the proposed rules under Chapter X of the Bankruptcy Act (Corporate Reorganization) and Chapter XII (Real Property Arrangements). These rules have previously been widely circulated for comment to the bench and bar.

Judge Thomsen advised that the rules and forms, previously approved and transmitted to the Supreme Court, under Chapter

XI of the Bankruptcy Act (Arrangements), pursuant to the order of the Court and without any adverse comment from the Congress became effective July 1, 1974.

A preliminary draft of proposed rules under Chapter IX (Composition of Indebtedness of Certain Taxing Agencies) has been distributed to the bench and bar for comment and a draft of rules governing railroad reorganization procedures under Chapter VIII are now under active consideration by the Advisory Committee.

CRIMINAL RULES

The proposed amendments to the Federal Rules of Criminal Procedure approved by the Judicial Conference at the October 1972 session and subsequently prescribed by the Supreme Court were transmitted to the Congress on April 22, 1974, setting August 1, 1974 as the effective date. As a result of the enactment of Public Law 93-361 which became effective July 31, 1974, the effective date of these rules has been changed until August 1, 1975, with a view to permitting Congress to examine the amendments and to hold hearings thereon. Initial hearings at which representatives of the Committee and the Advisory Committee appeared were held on September 17.

RULES OF EVIDENCE

On February 6, 1974 the House of Representatives passed H.R. 5463 which incorporated some of the rules of evidence as prescribed by the Supreme Court, together with many changes made by the House of Representatives. On June 4, 5 and 6 the Senate Committee on the Judiciary held hearings on H.R. 5463 at which representatives of the standing Committee and the Advisory Committee on Rules of Evidence testified. As of the time of the Conference session no report of the Senate committee had been issued.

APPELLATE RULES

Judge Thomsen advised the Conference that the first meeting of the newly reorganized Advisory Committee on Appellate Rules was scheduled for September 20, 1974. Professor Jo Desha Lucas of the University of Chicago School of Law has been named as reporter of the Committee under the chairmanship of Judge William Henry Hastie, senior judge of the Third Circuit.

COMMITTEE TO IMPLEMENT THE CRIMINAL JUSTICE ACT

The report of the Committee to Implement the Criminal Justice Act was presented by the Chairman, Judge Dudley B. Bonsal.

APPOINTMENTS AND PAYMENTS

The Conference authorized for distribution the report of the Administrative Office on appointments and payments through June 30, 1974. It was noted that approximately 65,000 persons were represented by counsel appointed pursuant to the Criminal Justice Act in fiscal year 1974—43,000 in the federal courts and 12,000 in the local courts of the District of Columbia. During fiscal year 1974 Congress appropriated \$18,675,000 for the operation of the Criminal Justice Act, of which \$3,000,000 was earmarked specifically for assignments in the local courts of the District of Columbia. Commencing with fiscal year 1975 appropriations for the operation of the appointed counsel system in the District of Columbia are being supported through the District of Columbia appropriations rather than through the appropriations for the federal judiciary. A separate Criminal Justice Act for the local courts of the District of Columbia has been enacted as Public Law 93-412 which became law on September 3, 1974.

DEFENDER OFFICES

Judge Bonsal advised that in the past year new federal public defender offices have been established in Kansas, Maryland, Nevada, New Jersey, the Northern District of Ohio, the Western District of Tennessee and the Virgin Islands. Additional federal public defender offices are scheduled to commence operations early in fiscal year 1975 in the Eastern District of Louisiana, the Western District of Pennsylvania and the Southern District of Texas. Two new community defender organizations operating on federal grants were started in the District of Oregon and the Northern District of Georgia.

The Conference considered the individual budget requests for each of the federal public defender offices for fiscal year 1976 as well as the additional appropriation requests for fiscal year 1975 and the Committee recommendations thereon and the results will be incorporated in the budget requests to be submitted pursuant to Conference action.

GRAND JURY WITNESSES

At the September 1973 session the Judicial Conference determined (Conf. Rept., p. 59) that when a judge appoints counsel for a witness before a grand jury in which he is satisfied that the witness faces possible loss of liberty, such appointment shall be deemed to be an appointment under the Criminal Justice Act. Judge Bonsal advised the Conference that the Committee had determined that if at a later time the same witness appears at trial and the judge makes a finding that the witness faces loss of liberty the judge may again appoint counsel under the Criminal Justice Act and such appointment shall be deemed a new appointment.

PAROLE REVOCATION PROCEEDINGS

The Conference was advised that the United States Board of Parole had issued regulations (Federal Register, Vol. 39, No. 109, June 5, 1974) which afforded a parolee three stages of hearings—the initial hearing, an appeal to a regional board and a final hearing by the Board. Judge Bonsal advised the Conference that his Committee had agreed that when counsel is appointed for the parolee under the Criminal Justice Act, such appointment, if made at the initial or intermediate stage, shall be regarded as a continuing appointment. An attorney so appointed has an obligation to advise the parolee of his rights of appeal and of representation at each stage.

REPRESENTATION ON APPEAL

The Conference was advised that the Committee has instructed the Administrative Office to place a rubber stamp on all voucher forms (and incorporate in the text when the vouchers are next revised) which will read:

Has the defendant paid any money to you since his arrest or to your knowledge to anyone else in connection with the offense for which you were appointed to defend him? If so, give details.

COUNSEL IN DISCRETIONARY APPEALS

Judge Bonsal advised the Conference that the Committee has considered existing plans of the courts of appeals in light of the decision of the Supreme Court in *Ross v. Moffitt* (No. 73-786, decided June 17, 1974) in which the Court held that the fact that a discretionary appeal has been provided does not require the state to provide counsel to indigent defendants for such discretionary appeal.

After reviewing the pertinent plans, all of which place the burden as assigned counsel and the courts of advising the defendant of his right to appeal and preparing the petition for writ of certiorari

if requested, the Committee decided that *Ross v. Moffitt* requires no change in existing plans since the language of the Criminal Justice Act specifically provides for representation for a defendant at every stage of the proceedings, from his initial appearance before the United States magistrate or court through appeal, including ancillary matters appropriate to the proceedings.

COMMITTEE ON THE ADMINISTRATION OF THE PROBATION SYSTEM

The report of the Committee on the Administration of the Probation System was presented by Judge Albert C. Wollenberg, Chairman.

SENTENCING INSTITUTE

The Conference approved a recommendation of the Committee that the judges of the District of Columbia Circuit be invited to participate in the Joint Sentencing Institute for the Fourth and Fifth Circuits scheduled for Atlanta, Georgia, on October 28-30, 1974. The Institute was previously approved by the Conference at its March 1974 session (Conf. Rept., p. 30).

PROTECTION OF PROBATION OFFICERS

The Conference approved for transmittal to the Congress a draft of a bill to provide for the protection of probation officers by amending Section 1114 of Title 18, United States Code. The Conference has on numerous occasions recommended legislation to afford protection to probation officers (see Conf. Repts., March 1970, p. 28, and March 1971, p. 48). The Conference took note not only of the various types of persons with whom probation officers must deal but also the circumstances in which these persons are met, the neighborhoods involved and the level of hostility toward persons associated with law enforcement. These hazards have been highlighted recently by the shooting of two probation officers while in the performance of their official duties—one in Memphis in May 1973 and the other in the District of Columbia in June 1974.

VOLUNTARY SURRENDER PROCEDURES

At the March 1974 session of the Conference (Conf. Rept., p. 31) the Committee reported to the Conference that it had endorsed a statement of procedures drawn by the Probation Division, the Bureau of Prisons and the Marshals Service that would provide for the voluntary surrender of selected sentenced offenders to the Bureau of Prisons' institutions. Since criminal contempt appeared the only sanction available where a prisoner failed to surrender as directed, the Conference approved a proposed bill which would

provide a penalty in the event of failure to report. The Director of the Administrative Office was instructed to transmit the proposed legislation to the Congress.

FORM TO FACILITATE COMMUNICATION

The Conference was advised that at the request of the Committee, representatives of the Federal Judicial Center, the Probation Division, the Bureau of Prisons and the Board of Parole have worked together to develop a form to assist judges in communicating to correctional agencies anything about the reasons for selection of sentence that might be of help to those agencies in discharging their responsibilities. The Conference was advised that based upon experimental use of this form (AO 235), it will be distributed to the district court judges for use.

COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM

Judge Edward Weinfeld, Chairman of the Committee on the Administration of the Bankruptcy System, presented the report of the Committee.

SALARIES AND ARRANGEMENTS FOR REFEREES

The Conference received the report of the Committee, together with the recommendations of the Director of the Administrative Office based on his May 1974 survey, as well as the recommendations of the circuit councils and district courts, for the continuation of 16 referee positions, for the discontinuance of two full-time referee positions in the Southern District of Ohio, for approval of two new full-time referee positions, for filling one part-time referee position in the Western District of Texas and increasing the salary and changing the headquarters of the position, for salary increases for three part-time referees who are also part-time U.S. magistrates and for a decrease in the salary of one part-time referee position in the District of Delaware. The Conference agreed to the recommendations and approved October 1, 1974 as the effective date except as otherwise indicated and subject to the availability of funds.

FIRST DISTRICT

District of Maine

- (1) Authorized the continuance of the full-time referee position at Portland to become vacant by expiration of term on November 4, 1974, for a term of six years, effective November 5, 1974, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

THIRD CIRCUIT

District of Delaware

- (1) Established the salary of the part-time referee position for this district

at \$15,715 per annum, effective October 1, 1974. (Authorized salary as a part-time United States magistrate is \$6,704 per annum).

FOURTH CIRCUIT

Western District of North Carolina

- (1) Increased the salary of the part-time referee position at Charlotte to \$18,000 per annum, subject to the availability of funds. (Authorized salary as a part-time United States magistrate is \$8,000 per annum).

FIFTH CIRCUIT

Middle District of Alabama

- (1) Authorized the continuance of the full-time referee position at Montgomery to become vacant by expiration of term on April 1, 1975, for a term of six years, effective April 2, 1975, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

Southern District of Mississippi

- (1) Authorized the continuance of the full-time referee position at Jackson to become vacant by expiration of term on October 31, 1974, for a term of six years, effective November 1, 1974, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

Eastern District of Texas

- (1) Increased the salary of the part-time referee position at Tyler to \$18,000 per annum, subject to the availability of funds. (Authorized salary as a part-time United States magistrate is \$3,000 per annum).

Western District of Texas

- (1) Authorized the filling of the part-time referee position at El Paso which became vacant on February 8, 1971;
- (2) Transferred the El Paso position to San Antonio on a part-time basis at a salary of \$15,715 per annum, the places of holding court to remain as at present.

Southern District of Texas

- (1) Authorized a third full-time referee position for the district, at a salary of \$31,650 per annum, the regular place of office to be at Houston;
- (2) Established concurrent district-wide jurisdiction for the full-time referees of the district.

SIXTH CIRCUIT

Southern District of Ohio

- (1) Authorized the continuance of the full-time referee position at Dayton to become vacant by expiration of term on February 3, 1975, for a term of six years, effective February 4, 1975, at the present salary, the regular place of office, territory and places of holding court to remain as at present;
- (2) Authorized the discontinuance of the full-time referee position created in February 1968 by the Judicial Conference at Columbus and which is vacant at the present time; and

- (3) Authorized the discontinuance of the full-time referee position created in September 1964 by the Judicial Conference at Cincinnati and which is vacant at the present time.

Eastern District of Tennessee

- (1) Authorized the continuance of the full-time referee position at Chattanooga to become vacant on December 31, 1974, for a term of six years, effective January 1, 1975, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

SEVENTH CIRCUIT

Northern District of Illinois

- (1) Authorized the continuance of the full-time referee position at Chicago to become vacant on March 4, 1975, for a term of six years, effective March 5, 1975, at the present salary, the regular place of office, territory and places of holding court to remain as at present ;
- (2) Authorized the continuance of the full-time referee position at Chicago to become vacant by expiration of term on December 31, 1974, for a term of six years, effective January 1, 1975, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

Eastern District of Illinois

- (1) Authorized the continuance of the full-time referee position at East St. Louis to become vacant by expiration of term on October 4, 1974, for a term of six years, effective October 5, 1974, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

EIGHTH CIRCUIT

District of Minnesota

- (1) Authorized the continuance of the part-time referee position at Duluth to become vacant by expiration of term on November 14, 1974, for a term of six years, effective November 15, 1974, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

Western District of Missouri

- (1) Authorized the continuance of the full-time referee position at Kansas City to become vacant by expiration of term on February 28, 1975, for a term of six years, effective March 1, 1975, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

NINTH CIRCUIT

Northern District of California

- (1) Authorized the continuance of the full-time referee position at Oakland to become vacant by expiration of term on November 20, 1974, for a term of six years, effective November 21, 1974, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

Central District of California

- (1) Authorized the continuance of the full-time referee position at Los Angeles to become vacant by expiration of term on January 20, 1975, for a term of six years, effective January 21, 1975, at the present salary, the regular place of office, territory and places of holding court to remain as at present;
- (2) Authorized the continuance of the full-time referee position at Los Angeles to become vacant by expiration of term on December 31, 1974, for a term of six years, effective January 1, 1975, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

Southern District of California

- (1) Authorized a third full-time referee position for the district, at a salary of \$31,650 per annum, the regular place of office to be at San Diego; and
- (2) Established concurrent district-wide jurisdiction for the full-time referees of the district.

District of Hawaii

- (1) Authorized the continuance of the part-time referee position at Honolulu to become vacant by expiration of term on December 25, 1974, for a term of six years, effective December 26, 1974, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

District of Montana

- (1) Authorized the continuance of the part-time referee position at Butte to become vacant by expiration of term on February 17, 1975, for a term of six years, effective February 18, 1975, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

District of Oregon

- (1) Increased the salary of the part-time referee position at Eugene to \$15,715 per annum, subject to the availability of funds. (Authorized salary as a part-time United States magistrate is \$4,000 per annum and it is recommended that it be increased to \$12,600 per annum).

Western District of Oklahoma

- (1) Authorized the continuance of the full-time referee position at Oklahoma City to become vacant by expiration of term on January 26, 1975, for a term of six years, effective January 27, 1975, at the present salary, the regular place of office, territory and places of holding court to remain as at present.

CASE FILINGS

There were 189,513 new bankruptcy case filing in fiscal year 1974 or a 9.4 percent increase over the number filed in fiscal year 1973. A breakdown of the types of cases filed in fiscal year 1974 shows

that the greater proportion of these filings are business cases. A total of 20,746 business bankruptcies was filed in fiscal year 1974, which is the largest number of business filings on record. Business cases represented 10.9 percent of the total cases filed. Chapter XI arrangements increased to a record 2,171 cases, or by 48.9 percent; Chapter XIII wage earner plans increased to 29,019, or by 13.2 percent, in fiscal year 1974.

REFEREES' SALARY AND EXPENSE FUND

While figures showing total payments into the Referees' Salary and Expense Fund for fiscal year 1974 were not available at the time of the session of the Conference, it was estimated that receipts would cover approximately 71 percent of the cost of the system, estimated at \$20,506,000 in fiscal year 1974. The Conference reaffirmed its previous position that a self-supporting bankruptcy system is outdated and it is no longer feasible to maintain a self-supporting bankruptcy system without placing an inordinate burden on debtors and bankrupt estates.

COST OF LIVING INCREASES

The Conference agreed that part-time referees in bankruptcy should receive cost of living increases within the statutory maximum provided that they are in compliance with provisions of the Bankruptcy Act pertaining to salary increases.

COMMITTEE ON THE ADMINISTRATION OF THE MAGISTRATES SYSTEM

The report of the Committee on the Administration of the Magistrates System was given by its Chairman, Judge Charles M. Metzner.

SALARY MATTERS

The Conference took the following action with regard to Committee recommendations relating to salary matters:

- (1) Approved \$350 per annum as a minimum salary for all part-time magistrates;
- (2) Adopted a policy that the aggregate compensation of an individual who holds a combination position of part-time magistrate and clerk of a district court shall not exceed the salary payable to either a full-time magistrate or a clerk of court of a large district court, whichever is lesser;
- (3) Adopted a policy that an individual who holds a combination position of part-time magistrate and part-time referee in bankruptcy be considered a full-time

judicial officer when the aggregate compensation of his position reaches \$25,000 per annum;

(4) Adopted a policy that the aggregate compensation of an individual who holds a combination position of part-time magistrate and part-time referee in bankruptcy shall not exceed the salary payable to either a full-time magistrate or a full-time referee in bankruptcy, whichever is lesser.

COST-OF-LIVING INCREASES

The Conference authorized the annual cost-of-living salary increase for all full-time magistrates whose salaries are below the statutory limit and all part-time magistrates whose salaries have been fixed at proposed standard levels. The Conference agreed to withhold such increases from those part-time magistrates whose salaries are above the appropriate standard levels and granted to the Administrative Office discretion, following notice to the Magistrates Committee, to make minor adjustments in cost-of-living increases in order to place additional part-time positions within the proposed standard levels.

CHANGES IN MAGISTRATE POSITIONS

The Conference ratified the action of the Executive Committee which, at the request of the Magistrates Committee, authorized the conversion of the clerk/magistrate position at Portland, Maine, to a part-time magistrate position at a salary of \$10,000 per annum. The Conference approved the recommendations of the Committee for five new full-time positions, the conversion of 12 part-time positions and one combination clerk/magistrate position to a full-time position, one new part-time position, the discontinuance of 65 part-time positions, the continuation of 240 part-time positions and seven combination positions for additional four-year terms, increases in the salaries of 171 part-time positions and three combination positions, decreases in the salaries of 15 part-time positions, changes in the official locations of six positions, authorization of dual district jurisdiction to one part-time position and authorization for the appointment of a non-attorney to one part-time position. This action of the Conference increased the number of full-time positions from 112 to 130, decreased the number of combination positions from 18 to 16 and the number of part-time positions from 411 to 336. These changes were all approved, subject to the availability of funds, based upon the recommendations of the Administrative Office, the district courts, the judicial councils of the circuits and the Committee itself.

FIRST CIRCUIT

Maine

- (1) Continue the part-time magistrate position at Bangor for an additional four-year term at the currently authorized salary of \$1,742 per annum.
- (2) Discontinue the "back-up" part-time magistrate position at Portland at the expiration of the current term.
- (3) Discontinue the "back-up" part-time magistrate position at Bangor.

Massachusetts

- (1) Continue the part-time magistrate position at Ayer for an additional four-year term at the currently authorized salary of \$9,500 per annum.
- (2) Continue the part-time magistrate position at Cape Code Seashore for an additional four-year term at the currently authorized salary of \$3,000 per annum.
- (3) Continue the part-time magistrate position at Springfield for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Springfield from \$1,800 to \$3,000 per annum.
- (5) Continue the part-time magistrate position at New Bedford for an additional four-year term at the currently authorized salary of \$828 per annum.
- (6) Continue the part-time magistrate position at Worcester for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at Worcester from \$696 to \$900 per annum.
- (8) Increase the salary of the part-time magistrate at Pittsfield from \$221 to \$350 per annum.

New Hampshire

- (1) Increase the additional salary granted to the clerk of court for the performance of magistrate duties at Concord from \$628 to \$3,000 per annum.
- (2) Continue the part-time magistrate position at Lancaster for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Lancaster from \$110 to \$350 per annum.
- (4) Discontinue the part-time magistrate position at Manchester at the expiration of the current term.

Rhode Island

- (1) Continue the part-time magistrate position at Providence for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Providence from \$580 to \$600 per annum.

SECOND CIRCUIT

Connecticut

- (1) Convert the part-time magistrate position at Hartford to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Hartford.
- (3) Continue the part-time magistrate position at Hartford until the appointment of the full-time magistrate.

- (4) Continue the part-time magistrate position at Bridgeport for an additional four-year term at the currently authorized salary of \$870 per annum.
- (5) Discontinue the part-time magistrate position at New London at the expiration of the current term or, at the option of the court, upon the appointment of the full-time magistrate at Hartford.

New York, Northern

- (1) Continue the part-time magistrate position at Albany for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Albany from \$13,217 to \$15,000 per annum.
- (3) Continue the part-time magistrate position at Auburn for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Auburn from \$12,572 to \$15,000 per annum.
- (5) Continue the part-time magistrate position at Champlain for an additional four-year term at the currently authorized salary of \$3,979 per annum.
- (6) Continue the part-time magistrate position at Syracuse for an additional four-year term at the currently authorized salary of \$1,451 per annum.
- (7) Continue the part-time magistrate position at Watertown for an additional four-year term.
- (8) Increase the salary of the part-time magistrate at Watertown from \$696 to \$900 per annum.
- (9) Continue the part-time magistrate position at Binghamton for an additional four-year term.
- (10) Increase the salary of the part-time magistrate at Binghamton from \$347 to \$350 per annum.
- (11) Continue the part-time magistrate position at Rome for an additional four-year term.
- (12) Increase the salary of the part-time magistrate at Rome from \$221 to \$350 per annum.
- (13) Increase the salary of the part-time magistrate at Troy from \$314 to \$350 per annum.

New York, Eastern

- (1) Continue the part-time magistrate position at Mineola for an additional four-year term at the currently authorized salary of \$2,000 per annum.
- (2) Continue the part-time magistrate position at Patchogue for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Patchogue from \$870 to \$900 per annum.

New York, Southern

- (1) Authorize an additional full-time magistrate position at New York City.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at New York City.
- (3) Continue the part-time magistrate position at Poughkeepsie for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Poughkeepsie from \$4,066 to \$5,000 per annum.

New York, Western

- (1) Continue the part-time magistrate position at Rochester for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Rochester from \$1,742 to \$1,800 per annum.
- (3) Continue the part-time magistrate position at Elmira for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Elmira from \$221 to \$350 per annum.
- (5) Continue the part-time magistrate position at Niagara Falls for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at Niagara Falls from \$231 to \$350 per annum.
- (7) Continue the part-time magistrate position at Olean for an additional four-year term.
- (8) Increase the salary of the part-time magistrate at Olean from \$221 to \$350 per annum.

Vermont

- (1) Continue the part-time magistrate position at Burlington for an additional four-year term at the currently authorized salary of \$2,400 per annum.

THIRD CIRCUIT

New Jersey

- (1) Change the official location of the part-time magistrate position at Rumson from Rumson to Asbury Park.

Pennsylvania, Eastern

- (1) Continue the part-time magistrate position at Allentown for an additional four-year term at the currently authorized salary of \$1,000 per annum.
- (2) Continue the part-time magistrate position at Reading for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Reading from \$231 to \$600 per annum.

Pennsylvania, Middle

- (1) Convert the part-time magistrate position at Harrisburg to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Harrisburg.
- (3) Continue the part-time magistrate position at Harrisburg until the appointment of the full-time magistrate.
- (4) Continue the part-time magistrate position at Williamsport for an additional four-year term at the currently authorized salary of \$1,000 per annum.
- (5) Discontinue the part-time magistrate position at Scranton at the expiration of the current term or, at the option of the court, upon the appointment of the full-time magistrate at Harrisburg.

Pennsylvania, Western

- (1) Continue the part-time magistrate position at Erie for an additional four-year term at the currently authorized salary of \$3,647 per annum.

FOURTH CIRCUIT

Maryland

- (1) Continue the part-time magistrate position at Bethesda for an additional four-year term at the currently authorized salary of \$15,000 per annum.
- (2) Continue the part-time magistrate position at Hagerstown for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Hagerstown from \$1,326 to \$3,000 per annum.
- (4) Continue the part-time magistrate position at Salisbury for an additional four-year term at the currently authorized salary of \$1,161 per annum.
- (5) Discontinue the part-time magistrate position at Cumberland at the expiration of the current term.

North Carolina, Eastern

- (1) Convert the part-time magistrate position at Raleigh to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Raleigh.
- (3) Continue the part-time magistrate position at Raleigh until the appointment of the full-time magistrate.
- (4) Increase the salary of the part-time magistrate at Fayetteville from \$9,296 to \$12,600 per annum.
- (5) Increase the salary of the part-time magistrate at New Bern from \$1,989 to \$2,400 per annum.
- (6) Increase the salary of the part-time magistrate at Wilmington from \$1,742 to \$2,100 per annum.
- (7) Discontinue the part-time magistrate position at Rocky Mount at the expiration of the current term or, at the option of the court, upon the appointment of the full-time magistrate at Raleigh.
- (8) Discontinue the part-time magistrate position at Goldsboro, effective upon the appointment of the full-time magistrate at Raleigh.
- (9) Discontinue the part-time magistrate position at Williamston at the expiration of the current term.
- (10) Discontinue the part-time magistrate position at Jacksonville at the expiration of the current term.

North Carolina, Middle

- (1) Continue the part-time magistrate position at Wilkesboro for an additional four-year term at the currently authorized salary of \$2,556 per annum.
- (2) Continue the part-time magistrate position at Salisbury for an additional four-year-term.
- (3) Increase the salary of the part-time magistrate at Salisbury from \$1,394 to \$1,800 per annum.
- (4) Continue the part-time magistrate position at Durham for an additional four-year term.
- (5) Increase the salary of the part-time magistrate at Durham from \$1,394 to \$1,800 per annum.
- (6) Continue the part-time magistrate position at Laurinburg for an additional four-year term.
- (7) Decrease the salary of the part-time magistrate at Laurinburg from \$1,394 to \$900 per annum.

North Carolina, Western

- (1) Authorize the part-time bankruptcy judge at Charlotte to perform magistrate duties for an additional four-year term at the currently authorized salary of \$8,000 per annum for magistrate duties.
- (2) Continue the part-time magistrate position at Bryson City for an additional four-year term at the currently authorized salary of \$6,608 per annum.
- (3) Increase the salary of the part-time magistrate at Statesville from \$1,321 to \$1,800 per annum.

South Carolina

- (1) Convert the part-time magistrate position at Charleston to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Charleston.
- (3) Continue the part-time magistrate position at Charleston until the appointment of the full-time magistrate.
- (4) Continue the part-time magistrate position at Greenville for an additional four-year term.
- (5) Increase the salary of the part-time magistrate at Greenville from \$3,965 to \$6,000 per annum.
- (6) Continue the part-time magistrate position at Florence for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at Florence from \$1,321 to \$2,100 per annum.
- (8) Discontinue the part-time magistrate position at Spartanburg at the expiration of the current term.
- (9) Discontinue the part-time magistrate position at Aiken at the expiration of the current term.
- (10) Discontinue the part-time magistrate position at Columbia.

Virginia, Eastern

- (1) Increase the salary of the part-time magistrate at Williamsburg from \$11,621 to \$12,600 per annum.

Virginia, Western

- (1) Convert the part-time magistrate position at Roanoke to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Roanoke.
- (3) Continue the part-time magistrate position at Roanoke until the appointment of the full-time magistrate.
- (4) Continue the part-time magistrate position at Shenandoah National Park for an additional four-year term at the currently authorized salary of \$3,519 per annum.
- (5) Continue the part-time magistrate position at Lynchburg for an additional four-year term at the currently authorized salary of \$1,600 per annum.
- (6) Continue the part-time magistrate position at Danville for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at Danville from \$1,000 to \$1,800 per annum.

- (8) Continue the part-time magistrate position at Galax for an additional four-year term.
- (9) Decrease the salary of the part-time magistrate at Galax from \$2,762 to \$1,500 per annum.
- (10) Continue the part-time magistrate position at Wise for an additional four-year term at the currently authorized salary of \$1,500 per annum.
- (11) Continue the part-time magistrate position at Bristol for an additional four-year term.
- (12) Increase the salary of the part-time magistrate at Bristol from \$580 to \$900 per annum.
- (13) Increase the salary of the part-time magistrate at Staunton from \$884 to \$900 per annum.
- (14) Increase the salary of the part-time magistrate at Winchester from \$554 to \$900 per annum.
- (15) Discontinue the part-time magistrate position at Christiansburg at the expiration of the current term, or at the option of the court, upon the appointment of the full-time magistrate at Roanoke.
- (16) Discontinue the part-time magistrate position at Rocky Mount at the expiration of the current term or, at the option of the court, upon the appointment of the full-time magistrate at Roanoke.
- (17) Discontinue the part-time magistrate position at Martinsville.
- (18) Discontinue the part-time magistrate position at Lexington at the expiration of the current term.
- (19) Discontinue the part-time magistrate position at Cumberland Gap National Park at the expiration of the current term.

West Virginia, Northern

- (1) Continue the part-time magistrate position at Morgantown for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Morgantown from \$696 to \$1,500 per annum.
- (3) Continue the part-time magistrate position at Wheeling for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Wheeling from \$464 to \$900 per annum.
- (5) Discontinue the part-time magistrate position at Martinsburg at the expiration of the current term.
- (6) Discontinue the part-time magistrate position at Parkersburg at the expiration of the current term.

West Virginia, Southern

- (1) Continue the part-time magistrate position at Huntington for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Huntington from \$12,572 to \$12,600 per annum.
- (3) Continue the part-time magistrate position at Logan for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Logan from \$1,044 to \$1,200 per annum.
- (5) Increase the salary of the part-time magistrate at Bluefield from \$811 to \$1,200 per annum.
- (6) Increase the salary of the part-time magistrate at Lewisburg from \$552 to \$600 per annum.

- (7) Discontinue the part-time magistrate position at Beckley at the expiration of the current term.
- (8) Discontinue the part-time magistrate position at Welch at the expiration of the current term.

FIFTH CIRCUIT

Alabama, Northern

- (1) Continue the part-time magistrate position at Huntsville for an additional four-year term at the currently authorized salary of \$12,000 per annum.
- (2) Continue the part-time magistrate position at Anniston-Gadsden for an additional four-year term at the currently authorized salary of \$3,600 per annum.
- (3) Continue the part-time magistrate position at Florence for an additional four-year term at the currently authorized salary of \$2,400 per annum.

Alabama, Middle

- (1) Continue the part-time magistrate position at Dothan for an additional four-year term at the currently authorized salary of \$13,217 per annum.
- (2) Continue the part-time magistrate position at Opelika for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Opelika from \$2,323 to \$3,000 per annum.

Alabama, Southern

- (1) Continue the part-time magistrate position at Selma for an additional four-year term.
- (2) Decrease the salary of the part-time magistrate at Selma from \$1,657 to \$1,200 per annum.

Florida, Northern

- (1) Continue the part-time magistrate position at Tallahassee for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Tallahassee from \$8,289 to \$12,600 per annum.
- (3) Continue the part-time magistrate position at Pensacola for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Pensacola from \$8,289 to \$10,000 per annum.
- (5) Increase the salary of the part-time magistrate at Ft. Walton Beach from \$1,982 to \$3,600 per annum.
- (6) Continue the part-time magistrate position at Gainesville for an additional four-year term at the currently authorized salary of \$1,982 per annum.
- (7) Continue the part-time magistrate position at Marianna for an additional four-year term.
- (8) Increase the salary of the part-time magistrate at Marianna from \$1,161 to \$1,200 per annum.
- (9) Continue the part-time magistrate position at Panama City for an additional four-year term.
- (10) Increase the salary of the part-time magistrate at Panama City from \$870 to \$900 per annum.

Florida, Middle

- (1) Continue the part-time magistrate position at Ft. Myers for an additional four-year term at the currently authorized salary of \$663 per annum.
- (2) Discontinue the part-time magistrate position at Ocala at the expiration of the current term.

Florida, Southern

- (1) Authorize an additional full-time magistrate position at Miami.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Miami.
- (3) Increase the salary of the part-time magistrate at West Palm Beach from \$3,965 to \$4,200 per annum.
- (4) Increase the salary of the part-time magistrate at Ft. Pierce from \$1,321 to \$1,800 per annum.

Georgia, Northern

- (1) Continue the part-time magistrate position at Rome for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Rome from \$4,066 to \$6,000 per annum.
- (3) Continue the part-time magistrate position at Gainesville for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Gainesville from \$3,485 to \$3,600 per annum.
- (5) Continue the part-time magistrate position at Newnan-Lagrange for an additional four-year term at the currently authorized salary of \$1,394 per annum.

Georgia, Middle

- (1) Continue the part-time magistrate position at Columbus for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Columbus from \$8,134 to \$10,000 per annum.
- (3) Continue the part-time magistrate position at Valdosta for an additional four-year term at the currently authorized salary of \$3,485 per annum.
- (4) Continue the part-time magistrate position at Albany for an additional four-year term at the currently authorized salary of \$3,304 per annum.

Georgia, Southern

- (1) Continue the part-time magistrate position at Savannah for an additional four-year term at the currently authorized salary of \$15,000 per annum.
- (2) Continue the part-time magistrate position at Augusta for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Augusta from \$12,572 to \$15,000 per annum.
- (4) Continue the part-time magistrate position at Brunswick for an additional four-year term at the currently authorized salary of \$4,421 per annum.
- (5) Continue the part-time magistrate position at Swainsboro for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at Swainsboro from \$2,323 to \$2,400 per annum.

Louisiana, Middle

- (1) Continue the part-time magistrate position at Baton Rouge for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Baton Rouge from \$580 to \$600 per annum.

Louisiana, Western

- (1) Continue the part-time magistrate position at Lake Charles for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Lake Charles from \$12,572 to \$12,600 per annum.
- (3) Continue the part-time magistrate position at Lafayette for an additional four-year term at the currently authorized salary of \$12,572 per annum.
- (4) Continue the part-time magistrate position at Alexandria for an additional four-year term.
- (5) Increase the salary of the part-time magistrate at Alexandria from \$6,608 to \$8,500 per annum.
- (6) Continue the part-time magistrate position at Leesville for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at Leesville from \$3,485 to \$4,200 per annum.
- (8) Continue the part-time magistrate position at Monroe for an additional four-year term at the currently authorized salary of \$2,000 per annum.

Mississippi, Northern

- (1) Convert the part-time magistrate position at Greenville to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Greenville.
- (3) Continue the part-time magistrate position at Greenville until the appointment of the full-time magistrate.
- (4) Continue the part-time magistrate position at Aberdeen for an additional four-year term.
- (5) Decrease the salary of the part-time magistrate at Aberdeen from \$12,572 to \$3,000 per annum, effective upon the appointment of the full-time magistrate at Greenville.
- (6) Continue the part-time magistrate position at Kosciusko for an additional four-year term.
- (7) Decrease the salary of the part-time magistrate at Kosciusko from \$6,972 to \$3,000 per annum, effective upon the appointment of the full-time magistrate at Greenville.
- (8) Continue the part-time magistrate position at Tupelo for an additional four-year term.
- (9) Decrease the salary of the part-time magistrate at Tupelo from \$6,972 to \$3,000 per annum, effective upon the appointment of the full-time magistrate at Greenville.
- (10) Increase the salary of the part-time magistrate at Oxford from \$2,091 to \$3,000 per annum.
- (11) Discontinue the part-time magistrate position at Clarksdale at the expiration of the current term.

Mississippi, Southern

- (1) Convert the part-time magistrate position at Biloxi to a full-time position.
- (2) Designate the official location of the full-time magistrate position as "Biloxi-Gulfport."
- (3) Fix a salary of \$30,000 per annum for the full-time magistrate at Biloxi-Gulfport.
- (4) Continue the part-time magistrate position at Biloxi until the appointment of the full-time magistrate.
- (5) Continue the part-time magistrate position at Jackson for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at Jackson from \$13,217 to \$15,000 per annum.
- (7) Continue the part-time magistrate position at Meridian for an additional four-year term at the currently authorized salary of \$1,989 per annum.
- (8) Discontinue the part-time magistrate position at Hattiesburg, effective upon the appointment of the full-time magistrate at Biloxi-Gulfport.
- (9) Discontinue the part-time magistrate position at Vicksburg at the expiration of the current term.

Texas, Northern

- (1) Authorize an additional full-time magistrate position at Fort Worth.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Fort Worth.
- (3) Change the official location of the full-time magistrate at "Fort Worth or Dallas" to Dallas.
- (4) Continue the part-time magistrate position at Lubbock for an additional four-year term.
- (5) Increase the salary of the part-time magistrate at Lubbock from \$12,572 to \$12,600 per annum.
- (6) Continue the part-time magistrate position at Wichita Falls for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at Wichita Falls from \$3,315 to \$3,600 per annum.
- (8) Continue the part-time magistrate position at Amarillo for an additional four-year term at the currently authorized salary of \$3,485 per annum.
- (9) Continue the part-time magistrate position at San Angelo for an additional four-year term.
- (10) Increase the salary of the part-time magistrate at San Angelo from \$580 to \$600 per annum.
- (11) Discontinue the part-time magistrate position at Abilene.

Texas, Eastern

- (1) Authorize the part-time bankruptcy judge at Tyler to perform magistrate duties for an additional four-year term at the currently authorized salary of \$3,000 per annum for magistrate duties.
- (2) Continue the part-time magistrate position at Sherman for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Sherman from \$1,321 to \$1,800 per annum.

- (4) Continue the part-time magistrate position at Texarkana for an additional four-year term.
- (5) Increase the salary of the part-time magistrate at Texarkana from \$929 to \$1,200 per annum.
- (6) Discontinue the part-time magistrate position at Paris at the expiration of the current term.
- (7) Discontinue the part-time magistrate position at Marshall at the expiration of the current term.

Texas, Southern

- (1) Continue the part-time magistrate position at Corpus Christi for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Corpus Christi from \$5,810 to \$15,000 per annum.

Texas, Western

- (1) Convert the part-time magistrate position at San Antonio to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at San Antonio.
- (3) Continue the part-time magistrate position at San Antonio until the appointment of the full-time magistrate.
- (4) Increase the salary of the part-time magistrate at El Paso from \$8,714 to \$12,600 per annum.
- (5) Continue the part-time magistrate position at Del Rio for an additional four-year term at the currently authorized salary of \$13,217 per annum.
- (6) Continue the part-time magistrate position at Eagle Pass for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at Eagle Pass from \$8,714 to \$10,000 per annum.
- (8) Continue the part-time magistrate position at Austin for an additional four-year term.
- (9) Increase the salary of the part-time magistrate at Austin from \$8,289 to \$10,000 per annum.
- (10) Continue the part-time magistrate position at Waco for an additional four-year term.
- (11) Increase the salary of the part-time magistrate at Waco from \$12,000 to \$12,600 per annum.
- (12) Continue the part-time magistrate position at Big Bend National Park for an additional four-year term at the currently authorized salary of \$8,000 per annum.
- (13) Continue the part-time magistrate position at Pecos for an additional four-year term at the currently authorized salary of \$6,972 per annum.
- (14) Continue the part-time magistrate position at Marfa for an additional four-year term.
- (15) Decrease the salary of the part-time magistrate at Marfa from \$2,762 to \$2,100 per annum.
- (16) Continue the part-time magistrate position at Kerrville for an additional four-year term at the currently authorized salary of \$580 per annum.

SIXTH CIRCUIT

Kentucky, Eastern

- (1) Continue the part-time magistrate position at Pineville for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Pineville from \$5,507 to \$6,000 per annum.
- (3) Authorize jurisdiction for the part-time magistrate at Pineville over the entire area of Cumberland Gap National Park, including the portions thereof lying within the Western District of Virginia and the Eastern District of Tennessee.
- (4) Continue the part-time magistrate position at Covington for an additional four-year term at the currently authorized salary of \$4,000 per annum.
- (5) Increase the salary of the part-time magistrate at Ashland from \$1,885 to \$5,000 per annum.
- (6) Continue the part-time magistrate position at London for an additional four-year term at the currently authorized salary of \$1,652 per annum.
- (7) Continue the part-time magistrate position at Pikeville for an additional four-year term.
- (8) Increase the salary of the part-time magistrate at Pikeville from \$1,394 to \$1,500 per annum.
- (9) Continue the part-time magistrate position at Richmond for an additional four-year term at the currently authorized salary of \$1,101 per annum.

Kentucky, Western

- (1) Continue the part-time magistrate position at Hopkinsville for an additional four-year term at the currently authorized salary of \$15,000 per annum.
- (2) Continue the part-time magistrate position at Bowling Green for an additional four-year term at the currently authorized salary of \$3,304 per annum.
- (3) Continue the part-time magistrate position at Mammoth Cave National Park for an additional four-year term at the currently authorized salary of \$2,459 per annum.
- (4) Continue the part-time magistrate position at Owensboro for an additional four-year term at the currently authorized salary of \$2,091 per annum.

Michigan, Eastern

- (1) Authorize an additional full-time magistrate position at Detroit, subject to approval by the Judicial Council for the Sixth Circuit before the position is filled.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Detroit.
- (3) Authorize an additional part-time magistrate position at Bay City.
- (4) Fix a salary of \$5,000 per annum for the part-time magistrate at Bay City.
- (5) Continue the part-time magistrate position at Flint for an additional four-year term.
- (6) Decrease the salary of the part-time magistrate at Flint from \$5,526 to \$5,000 per annum.

Michigan, Western

- (1) Continue the part-time magistrate position at Kalamazoo for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Kalamazoo from \$3,485 to \$3,600 per annum.
- (3) Increase the salary of the part-time magistrate at Marquette from \$221 to \$350 per annum.
- (4) Increase the salary of the part-time magistrate at Traverse City from \$110 to \$350 per annum.

Ohio, Northern

- (1) Continue the part-time magistrate position at Toledo for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Toledo from \$5,507 to \$6,000 per annum.
- (3) Continue the part-time magistrate position at Akron for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Akron from \$2,323 to \$4,200 per annum.
- (5) Continue the part-time magistrate position at Youngstown for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at Youngstown from \$2,323 to \$2,400 per annum.
- (7) Increase the salary of the part-time magistrate at Lima from \$209 to \$350 per annum.

Ohio, Southern

- (1) Continue the part-time magistrate position at Dayton for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Dayton from \$9,876 to \$10,000 per annum.
- (3) Continue the part-time magistrate position at Portsmouth for an additional four-year term at the currently authorized salary of \$696 per annum.
- (4) Continue the part-time magistrate position at Steubenville for an additional four-year term at the currently authorized salary of \$696 per annum.
- (5) Continue the part-time magistrate position at Zanesville for an additional four-year term at the currently authorized salary of \$663 per annum.
- (6) Continue the part-time magistrate position at Chillicothe for an additional four-year term at the currently authorized salary of \$464 per annum.
- (7) Continue the part-time magistrate position at Springfield for an additional four-year term.
- (8) Increase the salary of the part-time magistrate at Springfield from \$347 to \$350 per annum.

Tennessee, Eastern

- (1) Continue the part-time magistrate position at Chattanooga for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Chattanooga from \$8,714 to \$10,000 per annum.

- (3) Continue the part-time magistrate position at Newport for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Newport from \$1,394 to \$2,100 per annum.
- (5) Continue the part-time magistrate position at Greeneville for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at Greeneville from \$464 to \$1,500 per annum.
- (7) Continue the part-time magistrate position at Winchester for an additional four-year term.
- (8) Increase the salary of the part-time magistrate at Winchester from \$696 to \$1,200 per annum.
- (9) Discontinue the part-time magistrate position at Johnson City at the expiration of the current term.

Tennessee, Middle

- (1) Continue the part-time magistrate position at Columbia for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Columbia from \$2,788 to \$3,000 per annum.

Tennessee, Western

- (1) Continue the part-time magistrate position at Jackson for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Jackson from \$1,394 to \$2,400 per annum.
- (3) Continue the part-time magistrate position at Savannah for an additional four-year term at the currently authorized salary of \$464 per annum.
- (4) Discontinue the part-time magistrate position at Dyersburg at the expiration of the current term.

SEVENTH CIRCUIT

Illinois, Northern

- (1) Continue the part-time magistrate position at Rockford for an additional four-year term at the currently authorized salary of \$10,000 per annum.

Illinois, Eastern

- (1) Continue the part-time magistrate position at Belleville for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Belleville from \$6,000 to \$10,000 per annum.
- (3) Continue the part-time magistrate position at Carbondale-Benton for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Carbondale-Benton from \$3,600 to \$7,500 per annum.

Illinois, Southern

- (1) Continue the part-time magistrate position at Peoria for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Peoria from \$2,091 to \$4,000 per annum.
- (3) Continue the part-time magistrate position at Springfield for an additional four-year term.

- (4) Decrease the salary of the part-time magistrate at Springfield from \$4,183 to \$4,000 per annum.
- (5) Continue the part-time magistrate position at Rock Island for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at Rock Island from \$2,788 to \$5,000 per annum.
- (7) Continue the part-time magistrate position at Alton for an additional four-year term.
- (8) Increase the salary of the part-time magistrate at Alton from \$811 to \$1,200 per annum.

Indiana, Northern

- (1) Convert the part-time magistrate position at Hammond to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Hammond.
- (3) Continue the part-time magistrate position at Hammond until the appointment of the full-time magistrate.
- (4) Continue the part-time magistrate position at Fort Wayne for an additional four-year term.
- (5) Increase the salary of the part-time magistrate at Fort Wayne from \$1,321 to \$3,600 per annum.
- (6) Continue the part-time magistrate position at South Bend for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at South Bend from \$2,643 to \$3,000 per annum.
- (8) Continue the part-time magistrate position at Lafayette for an additional four-year term.
- (9) Increase the salary of the part-time magistrate at Lafayette from \$331 to \$350 per annum.

Indiana, Southern

- (1) Continue the part-time magistrate position at Evansville for an additional four-year term at the currently authorized salary of \$1,982 per annum.
- (2) Continue the part-time magistrate position at New Albany for an additional four-year term at the currently authorized salary of \$1,266 per annum.
- (3) Continue the part-time magistrate position at Terre Haute for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Terre Haute from \$464 to \$900 per annum.
- (5) Continue the part-time magistrate position at Muncie for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at Muncie from \$231 to \$350 per annum.
- (7) Discontinue the part-time magistrate position at Richmond.

Wisconsin, Eastern

- (1) Continue the part-time magistrate position at Fond du Lac for an additional four-year term at the currently authorized salary of \$1,105 per annum.
- (2) Continue the part-time magistrate position at Green Bay for an additional four-year term.

- (3) Increase the salary of the part-time magistrate at Green Bay from \$464 to \$600 per annum.
- (4) Continue the part-time magistrate position at Appleton for an additional four-year term at the currently authorized salary of \$442 per annum.

Wisconsin, Western

- (1) Continue the part-time magistrate position at Wausau for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Wausau from \$231 to \$600 per annum.
- (3) Authorize the part-time bankruptcy judge at Eau Claire to perform magistrate duties for an additional four-year term.
- (4) Increase the additional salary granted to the part-time bankruptcy judge at Eau Claire for the performance of magistrate duties from \$331 to \$350 per annum.
- (5) Continue the part-time magistrate position at Superior for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at Superior from \$110 to \$350 per annum.

EIGHTH CIRCUIT

Arkansas, Eastern

- (1) Authorize the clerk of court to perform magistrate duties at Little Rock for an additional four-year term at no additional compensation.
- (2) Continue the part-time magistrate position at Jonesboro for an additional four-year term at the currently authorized salary of \$1,394 per annum.
- (3) Continue the part-time magistrate position at Pine Bluff for an additional four-year term at the currently authorized salary of \$1,394 per annum.
- (4) Change the official location of the part-time magistrate position at Forrest City from Forrest City to West Memphis.
- (5) Continue the part-time magistrate position at West Memphis for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at West Memphis from \$696 to \$900 per annum.

Arkansas, Western

- (1) Continue the part-time magistrate position at Hot Springs for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Hot Springs from \$4,183 to \$4,200 per annum.
- (3) Increase the salary of the part-time magistrate at Fort Smith from \$1,394 to \$1,800 per annum.
- (4) Continue the part-time magistrate position at El Dorado for an additional four-year term at the currently authorized salary of \$1,657 per annum.
- (5) Continue the part-time magistrate position at Texarkana for an additional four-year term at the currently authorized salary of \$1,394 per annum.
- (6) Continue the part-time magistrate position at Fayetteville for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at Fayetteville from \$347 to \$350 per annum.

- (8) Continue the part-time magistrate position at Harrison for an additional four-year term.
- (9) Increase the salary of the part-time magistrate at Harrison from \$231 to \$350 per annum.

Iowa, Northern

- (1) Authorize the deputy clerk of court to perform magistrate duties at Cedar Rapids for an additional four-year term at the currently authorized salary of \$4,066 per annum for magistrate duties.
- (2) Continue the part-time magistrate position at Waterloo for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Waterloo from \$347 to \$900 per annum.
- (4) Continue the part-time magistrate position at Dubuque for an additional four-year term.
- (5) Increase the salary of the part-time magistrate at Dubuque from \$274 to \$350 per annum.
- (6) Increase the salary of the part-time magistrate at Sioux City from \$347 to \$350 per annum.
- (7) Increase the salary of the part-time magistrate at Fort Dodge from \$115 to \$350 per annum.

Iowa, Southern

- (1) Authorize the clerk of court to perform magistrate duties at Des Moines for an additional four-year term at the currently authorized salary of \$6,390 per annum for magistrate duties.
- (2) Continue the part-time magistrate position at Council Bluffs for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Council Bluffs from \$1,047 to \$1,200 per annum.
- (4) Continue the part-time magistrate position at Iowa City for an additional four-year term at the currently authorized salary of \$440 per annum.

Minnesota

- (1) Authorize the part-time bankruptcy judge at Duluth to perform magistrate duties for an additional four-year term at the currently authorized salary of \$1,500 per annum for magistrate duties.
- (2) Continue the part-time magistrate position at Bemidji for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Bemidji from \$552 to \$600 per annum.
- (4) Continue the part-time magistrate position at International Falls for an additional four-year term.
- (5) Increase the salary of the part-time magistrate at International Falls from \$221 to \$350 per annum.
- (6) Increase the salary of the part-time magistrate at Rochester from \$231 to \$350 per annum.
- (7) Discontinue the part-time magistrate position at Moorhead at the expiration of the current term.

Missouri, Eastern

- (1) Continue the part-time magistrate position at Cape Girardeau for an additional four-year term at the currently authorized salary of \$580 per annum.
- (2) Continue the part-time magistrate position at Hannibal for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Hannibal from \$331 to \$350 per annum.

Missouri, Western

- (1) Increase the salary of the part-time magistrate at Jefferson City from \$663 to \$12,600 per annum.

Nebraska

- (1) Convert the combination clerk/magistrate position at Omaha to a full-time magistrate position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Omaha.
- (3) Authorize the clerk of court to continue performing magistrate duties at Omaha until the appointment of the full-time magistrate.
- (4) Continue the part-time magistrate position at Lincoln for an additional four-year term at the currently authorized salary of \$1,326 per annum.
- (5) Continue the part-time magistrate position at Gering-Scottsbluff for an additional four-year term at the currently authorized salary of \$580 per annum.
- (6) Continue the part-time magistrate position at Grand Island for an additional four-year term at the currently authorized salary of \$464 per annum.
- (7) Continue the part-time magistrate position at North Platte for an additional four-year term.
- (8) Increase the salary of the part-time magistrate at North Platte from \$347 to \$350 per annum.
- (9) Discontinue the part-time magistrate position at Sidney at the expiration of the current term.
- (10) Discontinue the part-time magistrate position at Valentine at the expiration of the current term.

North Dakota

- (1) Continue the part-time magistrate position at Minot for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Minot from \$1,394 to \$1,500 per annum.
- (3) Continue the part-time magistrate position at Bismarck for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Bismarck from \$1,326 to \$1,500 per annum.
- (5) Continue the part-time magistrate position at Fargo for an additional four-year term.
- (6) Decrease the salary of the part-time magistrate at Fargo from \$1,326 to \$900 per annum.
- (7) Continue the part-time magistrate position at Grand Forks for an additional four-year term.
- (8) Decrease the salary of the part-time magistrate at Grand Forks from \$1,326 to \$900 per annum.

- (9) Increase the salary of the part-time magistrate at Rolla from \$347 to \$350 per annum.
- (10) Discontinue the part-time magistrate position at Williston at the expiration of the current term.

South Dakota

- (1) Continue the part-time magistrate position at Sioux Falls for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Sioux Falls from \$3,485 to \$5,000 per annum.
- (3) Continue the part-time magistrate position at Aberdeen for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Aberdeen from \$464 to \$1,000 per annum.
- (5) Continue the part-time magistrate position at Mobridge for an additional four-year term at the currently authorized salary of \$464 per annum.
- (6) Discontinue the "back-up" part-time magistrate position at Rapid City.
- (7) Discontinue the part-time magistrate position at Chamberlain at the expiration of the current term.

NINTH CIRCUIT

Alaska

- (1) Continue the part-time magistrate position at Ketchikan for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Ketchikan from \$347 to \$350 per annum.
- (3) Continue the part-time magistrate position at Nome for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Nome from \$331 to \$350 per annum.
- (5) Increase the salary of the part-time magistrate at Juneau from \$331 to \$350 per annum.
- (6) Increase the salary of the part-time magistrate at Kodiak from \$221 to \$350 per annum.

Arizona

- (1) Continue the part-time magistrate position at Grand Canyon National Park for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Grand Canyon National Park from \$12,572 to \$12,600 per annum.
- (3) Continue the part-time magistrate position at Yuma for an additional four-year term at the currently authorized salary of \$9,761 per annum.
- (4) Continue the part-time magistrate position at Flagstaff for an additional four-year term.
- (5) Increase the salary of the part-time magistrate at Flagstaff from \$1,044 to \$2,400 per annum.
- (6) Continue the part-time magistrate position at Kingman for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at Kingman from \$1,768 to \$1,800 per annum.
- (8) Discontinue the part-time magistrate position at Holbrook at the expiration of the current term.

- (9) Discontinue the part-time magistrate position at Globe at the expiration of the current term.
- (10) Discontinue the part-time magistrate position at Prescott at the expiration of the current term.

California, Northern

- (1) Continue the part-time magistrate position at Oakland for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Oakland from \$11,621 to \$15,000 per annum.
- (3) Continue the part-time magistrate position at San Jose for an additional four-year term at the currently authorized salary of \$6,972 per annum.
- (4) Continue the part-time magistrate position at Eureka for an additional four-year term at the currently authorized salary of \$660 per annum.

California, Eastern

- (1) Continue the part-time magistrate position at Sequoia and Kings Canyon National Parks for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Sequoia and Kings Canyon National Parks from \$9,819 to \$10,000 per annum.
- (3) Continue the part-time magistrate position at Fresno with a currently authorized salary of \$5,810 per annum for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Fresno from \$5,810 to \$8,500 per annum.
- (5) Continue the part-time magistrate position at Lassen Volcanic National Park for an additional four-year term at the currently authorized salary of \$3,000 per annum.
- (6) Increase the salary of the part-time magistrate at Redding from \$5,000 to \$6,000 per annum.
- (7) Continue the part-time magistrate position at Bakersfield for an additional four-year term.
- (8) Increase the salary of the part-time magistrate at Bakersfield from \$2,788 to \$5,000 per annum.
- (9) Continue the part-time magistrate position at Bishop for an additional four-year term.
- (10) Increase the salary of the part-time magistrate at Bishop from \$2,643 to \$3,600 per annum.
- (11) Continue the part-time magistrate position at South Lake Tahoe for an additional four-year term.
- (12) Decrease the salary of the part-time magistrate at South Lake Tahoe from \$1,858 to \$1,200 per annum.
- (13) Continue the part-time magistrate position at Merced for an additional four-year term.
- (14) Increase the salary of the part-time magistrate at Merced from \$696 to \$1,200 per annum.
- (15) Continue the part-time magistrate position at Modesto for an additional four-year term.
- (16) Increase the salary of the part-time magistrate at Modesto from \$347 to \$1,200 per annum.
- (17) Continue the part-time magistrate position at Yreka for an additional four-year term.

- (18) Increase the salary of the part-time magistrate at Yreka from \$347 to \$350 per annum.
- (19) Continue the part-time magistrate position at Alturas for an additional four-year term.
- (20) Increase the salary of the part-time magistrate at Alturas from \$331 to \$350 per annum.
- (21) Discontinue the part-time magistrate position at Stockton at the expiration of the current term.

California, Central

- (1) Authorize an additional full-time magistrate position at Los Angeles.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Los Angeles.
- (3) Continue the part-time magistrate position at Santa Ana for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Santa Ana from \$6,000 to \$8,500 per annum.
- (5) Continue the part-time magistrate position at San Bernardino for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at San Bernardino from \$7,200 to \$10,000 per annum.
- (7) Increase the salary of the part-time magistrate at Santa Barbara from \$4,405 to \$5,000 per annum.
- (8) Increase the salary of the part-time magistrate at Oxnard-Ventura from \$2,095 to \$3,600 per annum.
- (9) Continue the part-time magistrate position at Long Beach for an additional four-year term.
- (10) Increase the salary of the part-time magistrate at Long Beach from \$2,652 to \$3,000 per annum.
- (11) Continue the part-time magistrate position at Barstow for an additional four-year term.
- (12) Increase the salary of the part-time magistrate at Barstow from \$2,323 to \$3,000 per annum.
- (13) Continue the part-time magistrate position at Twentynine Palms-Palm Springs for an additional four-year term.
- (14) Increase the salary of the part-time magistrate at Twentynine Palms-Palm Springs from \$2,000 to \$3,000 per annum.
- (15) Continue the part-time magistrate position at Lancaster for an additional four-year term.
- (16) Decrease the salary of the part-time magistrate at Lancaster from \$2,788 to \$1,200 per annum.
- (17) Discontinue the part-time magistrate position at Riverside at the expiration of the current term.

Hawaii

- (1) Convert one of the part-time magistrate positions at Honolulu to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Honolulu.
- (3) Continue the part-time magistrate position being converted at Honolulu until the appointment of the full-time magistrate.

- (4) Discontinue the remaining part-time magistrate position at Honolulu at the expiration of the current term or, at the option of the court, upon the appointment of the full-time magistrate.
- (5) Continue the part-time magistrate position at Hilo for an additional four-year term at the currently authorized salary of \$1,161 per annum.
- (6) Continue the part-time magistrate position at Wailuku for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at Wailuku from \$231 to \$350 per annum.
- (8) Increase the salary of the part-time magistrate at Lihue from \$110 to \$350 per annum.
- (9) Discontinue the part-time magistrate position at Johnston Island.
- (10) Discontinue the part-time magistrate position at Wake Island.

Idaho

- (1) Continue the part-time magistrate position at Boise for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Boise from \$2,323 to \$2,400 per annum.
- (3) Continue the part-time magistrate position at Pocatello for an additional four-year term at the currently authorized salary of \$2,210 per annum.
- (4) Increase the salary of the part-time magistrate at Coeur d'Alene from \$929 to \$1,200 per annum.
- (5) Continue the part-time magistrate position at Lewiston for an additional four-year term at the currently authorized salary of \$929 per annum.
- (6) Continue the part-time magistrate position at Twin Falls for an additional four-year term at the currently authorized salary of \$884 per annum.

Montana

- (1) Continue the part-time magistrate position at Butte for an additional four-year term at the currently authorized salary of \$2,445 per annum.
- (2) Continue the part-time magistrate position at Great Falls for an additional four-year term at the currently authorized salary of \$1,652 per annum.
- (3) Continue the part-time magistrate position at Missoula for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Missoula from \$696 to \$1,500 per annum.
- (5) Continue the part-time magistrate position at Helena for an additional four-year term.
- (6) Increase the salary of the part-time magistrate at Helena from \$386 to \$1,200 per annum.
- (7) Continue the part-time magistrate position at Cut Bank for an additional four-year term.
- (8) Decrease the salary of the part-time magistrate at Cut Bank from \$1,657 to \$600 per annum.
- (9) Authorize the appointment of a non-member of the bar to the part-time magistrate position at Cut Bank.
- (10) Continue the part-time magistrate position at Glasgow for an additional four-year term at the currently authorized salary of \$405 per annum.
- (11) Continue the part-time magistrate position at Miles City for an additional four-year term.

- (12) Increase the salary of the part-time magistrate at Miles City from \$110 to \$350 per annum.
- (13) Increase the salary of the part-time magistrate at Bozeman from \$209 to \$350 per annum.
- (14) Discontinue the part-time magistrate position at Hardin at the expiration of the current term.

Nevada

- (1) Continue the part-time magistrate position at Reno for an additional four-year term at the currently authorized salary of \$7,184 per annum.

Oregon

- (1) Increase the additional salary granted to the part-time bankruptcy judge at Eugene for the performance of magistrate duties from \$4,000 to \$12,600 per annum.
- (2) Continue the part-time magistrate position at Klamath Falls for an additional four-year term at the currently authorized salary of \$733 per annum.
- (3) Continue the part-time magistrate position at Bend for an additional four-year term at the currently authorized salary of \$523 per annum.
- (4) Continue the part-time magistrate position at Coquille for an additional four-year term at the currently authorized salary of \$419 per annum.
- (5) Discontinue the part-time magistrate position at Astoria at the expiration of the current term.

Washington, Eastern

- (1) Continue the part-time magistrate position at Spokane for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Spokane from \$5,577 to \$15,000 per annum.
- (3) Continue the part-time magistrate position at Yakima for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Yakima from \$3,304 to \$15,000 per annum.
- (5) Discontinue the part-time magistrate position at East Wenatchee at the expiration of the current term.
- (6) Discontinue the part-time magistrate position at Ephrata at the expiration of the current term.
- (7) Discontinue the part-time magistrate position at Kennewick at the expiration of the current term.
- (8) Discontinue the part-time magistrate position at Walla Walla at the expiration of the current term.

Washington, Western

- (1) Increase the salary of the part-time magistrate at Mt. Ranier National Park from \$9,819 to \$10,000 per annum.
- (2) Continue the part-time magistrate position at Olympic National Park for an additional four-year term at the currently authorized salary of \$9,339 per annum.
- (3) Continue the part-time magistrate position at Bellingham for an additional four-year term at the currently authorized salary of \$3,600 per annum.

- (4) Continue the part-time magistrate position at Vancouver for an additional four-year term at the currently authorized salary of \$800 per annum.

TENTH CIRCUIT

Colorado

- (1) Convert the part-time magistrate position at Denver to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Denver.
- (3) Continue the part-time magistrate position at Denver until the appointment of the full-time magistrate.
- (4) Continue the part-time magistrate position at Colorado Springs for an additional four-year term.
- (5) Increase the salary of the part-time magistrate at Colorado Springs from \$7,200 to \$10,000 per annum.
- (6) Continue the part-time magistrate position at Rocky Mountain National Park for an additional four-year term at the currently authorized salary of \$7,872 per annum.
- (7) Continue the part-time magistrate position at Grand Junction for an additional four-year term at the currently authorized salary of \$1,652 per annum.
- (8) Continue the part-time magistrate position at Cortez for an additional four-year term at the currently authorized salary of \$1,326 per annum.
- (9) Increase the salary of the part-time magistrate at Monte Vista from \$231 to \$600 per annum.
- (10) Increase the salary of the part-time magistrate at Lamar from \$314 to \$350 per annum.
- (11) Increase the salary of the part-time magistrate at Sterling from \$314 to \$350 per annum.
- (12) Discontinue the part-time magistrate position at Montrose at the expiration of the current term.
- (13) Discontinue the part-time magistrate position at Pueblo at the expiration of the current term.

Kansas

- (1) Convert the part-time magistrate position at Topeka to a full-time position.
- (2) Fix a salary of \$30,000 per annum for the full-time magistrate at Topeka.
- (3) Increase the salary of the part-time magistrate at Parsons from \$231 to \$350 per annum.
- (4) Increase the salary of the part-time magistrate at Leavenworth from \$221 to \$350 per annum.
- (5) Increase the salary of the part-time magistrate at Salina from \$221 to \$350 per annum.
- (6) Increase the salary of the part-time magistrate at Colby from \$200 to \$350 per annum.

New Mexico

- (1) Continue the part-time magistrate position at Las Cruces for an additional four-year term at the currently authorized salary of \$7,543 per annum.

- (2) Continue the part-time magistrate position at Alamogordo for an additional four-year term at the currently authorized salary of \$1,326 per annum.
- (3) Continue the part-time magistrate position at Gallup for an additional four-year term at the currently authorized salary of \$1,105 per annum.
- (4) Continue the part-time magistrate position at Santa Fe for an additional four-year term at the currently authorized salary of \$870 per annum.
- (5) Continue the part-time magistrate position at Roswell for an additional four-year term at the currently authorized salary of \$663 per annum.
- (6) Continue the part-time magistrate position at Clovis for an additional four-year term.
- (7) Increase the salary of the part-time magistrate at Clovis from \$231 to \$350 per annum.

Oklahoma, Northern

- (1) Continue the part-time magistrate position at Miami for an additional four-year term at the currently authorized salary of \$3,304 per annum.
- (2) Discontinue the part-time magistrate position at Bartlesville at the expiration of the current term.
- (3) Discontinue the part-time magistrate position at Vinita at the expiration of the current term.

Oklahoma, Eastern

- (1) Continue the part-time magistrate position at McAlester for an additional four-year term at the currently authorized salary of \$929 per annum.
- (2) Continue the part-time magistrate position at Hugo for an additional four-year term at the currently authorized salary of \$929 per annum.

Oklahoma, Western

- (1) Continue the part-time magistrate position at Lawton for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Lawton from \$13,217 to \$15,000 per annum.
- (3) Change the official location of the part-time magistrate position at Enid to "Enid-Ponca City."
- (4) Continue the part-time magistrate position at Enid-Ponca City for an additional four-year term at the currently authorized salary of \$442 per annum.
- (5) Discontinue the part-time magistrate position at Ponca City at the expiration of the current term.

Utah

- (1) Change the official location of the part-time magistrate position at Salt Lake City to "Salt Lake City-Ogden."
- (2) Continue the part-time magistrate position at Salt Lake City-Ogden for an additional four-year term.
- (3) Increase the salary of the part-time magistrate at Salt Lake City-Ogden from \$12,572 to \$15,000 per annum.
- (4) Discontinue the part-time magistrate position at Ogden at the expiration of the current term.

Wyoming

- (1) Continue the part-time magistrate position at Yellowstone National Park for an additional four-year term.
- (2) Increase the salary of the part-time magistrate at Yellowstone National Park from \$12,572 to the \$12,600 per annum.
- (3) Continue the part-time magistrate position at Cheyenne for an additional four-year term.
- (4) Increase the salary of the part-time magistrate at Cheyenne from \$2,788 to \$3,000 per annum.
- (5) Continue the part-time magistrate position at Jackson for an additional four-year term.
- (6) Decrease the salary of the part-time magistrate at Jackson from \$1,989 to \$1,200 per annum.
- (7) Continue the part-time magistrate position at Lander for an additional four-year term.
- (8) Increase the salary of the part-time magistrate at Lander from \$660 to \$1,200 per annum.
- (9) Continue the part-time magistrate position at Casper for an additional four-year term at the currently authorized salary of \$696 per annum.
- (10) Continue the part-time magistrate position at Laramie for an additional four-year term at the currently authorized salary of \$660 per annum.
- (11) Continue the part-time magistrate position at Worland for an additional four-year term at the currently authorized salary of \$660 per annum.
- (12) Continue the part-time magistrate position at Green River for an additional four-year term.
- (13) Increase the salary of the part-time magistrate at Green River from \$231 to \$600 per annum.
- (14) Increase the salary of the part-time magistrate at Sheridan from \$221 to \$350 per annum.
- (15) Increase the salary of the part-time magistrate at Torrington from \$115 to \$350 per annum.
- (16) Discontinue the part-time magistrate position at Cody at the expiration of the current term.
- (17) Discontinue the part-time magistrate position at Rawlins at the expiration of the current term.
- (18) Discontinue the part-time magistrate position at Kemmerer at the expiration of the current term.
- (19) Discontinue the part-time magistrate position at Evanston at the expiration of the current term.
- (20) Discontinue the part-time magistrate position at Gillette at the expiration of the current term.
- (21) Discontinue the part-time magistrate position at Douglas at the expiration of the current term.
- (22) Discontinue the part-time magistrate position at New Castle.

The Conference referred back to the Committee for further study, subject to the presentation of additional data, the situations in the Central District of California at Riverside, the District of Hawaii at Honolulu, the Southern District of Texas at Corpus Christi and the Western District of Texas at San Antonio. The Committee agreed to review these situations at its next meeting if

additional data are presented and report back to the Conference at its next session.

SPECIAL REPORT

Judge J. Skelly Wright and Ambassador Richard D. Kearney presented to the Conference on behalf of the Advisory Committee to the Secretary of State on Private International Law a report on a convention abolishing the requirement of legalization for foreign public documents. The Judicial Conference is represented on the Advisory Committee by Judge George H. Boldt and Judge Wright.

The Department of State requested the Judicial Conference for its views on this third Hague Convention abolishing the requirement of legalization for foreign public documents which was adopted at the 1960 session when the United States was not yet a member of the Conference. The United States joinder was accomplished by the technique of accession authorized in Article 12 of the Hague Convention. The Judicial Conference approved this accession as requested by the Department of State. The effect of the Convention is to abolish the requirement of diplomatic or consular legalization for foreign public documents and to substitute a simple form specified in the Convention, by officials designated by title rather than by name.

COMMEMORATION

Noting with regret the death of former Chief Justice Earl Warren who for sixteen years presided over the sessions of the Judicial Conference, the Conference adopted the following commemoration of Chief Justice Warren:

The sorrow with which this Conference commemorates the death of former Chief Justice Earl Warren cannot but be tempered by our gratitude for the years he spent among us. He made us all aware that "recognition of inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." For more than a half century, he unselfishly committed his life to that service of the human family—as a District Attorney, Attorney General, and later Governor of California, and for sixteen years as the Chief Justice of the United States.

His period of service as Chief Justice coincided with an era of far-reaching constitutional interpretations. We witnessed new and

different emphasis on fundamental rights of racial and religious minorities and of individual liberties under the Constitution. The continued extension of the Bill of Rights to the states enlarged the rights of the accused and the convicted.

*During a period of unprecedented social change, he never lost sight of the high ideal that the law should not be severed from its ethical roots. The opinion of the Court which he announced in *Brown vs. Board of Education* marked a watershed in American jurisprudence, directing the attention of this country toward ills which required cure. In an effort to seek a fairer society, he clung to the basic tenet of democracy that the right of suffrage is a precondition to acceptable and lasting reform.*

We recall also the many years during which he presided over the Judicial Conference of the United States, giving it his leadership and guidance. And, as father of the Federal Judicial Center concept he laid the groundwork for increased efficiency in court administration and continuing education for members of the judiciary and supporting personnel.

Finally, for showing us the virtues of exercising wise and compassionate judgment toward our fellowmen, we shall be forever in his debt.

PRETERMISSION OF TERMS OF COURTS OF APPEALS

The Conference approved the pretermission of terms of courts of appeals, pursuant to 28 U.S.C. 48, for those sessions of the Court of Appeals for the Fifth Circuit to be held outside of New Orleans, Louisiana, and for those sessions of the Court of Appeals for the Eighth Circuit to be held at Kansas City, Missouri, and Omaha, Nebraska, for the period January 1, 1975 to June 30, 1975.

RELEASE OF CONFERENCE ACTION

The Conference authorized the immediate release of its action on matters considered at this session where necessary for legislative or administrative action and further authorized the Director of the Administrative Office to resubmit to the 94th Congress when it convenes any legislative proposals made at this session on which action is not taken by the 93rd Congress.

WARREN E. BURGER,

Chief Justice of the United States.

OCTOBER 15, 1974.

INDEX

	Page
Abolishment of the requirements of legalization for foreign public documents.....	97
Additional personnel.....	45, 50, 51, 52
Additional judgeships.....	48
Administrative Office of the U.S. Courts:	
Additional personnel.....	45
Report of the Director.....	44
Retirement of the Director.....	52
Appeals:	
Counsel in discretionary.....	63
Representation on.....	63
Appellate rules.....	61
Appointments and payments under the Criminal Justice Act.....	62
Appropriations.....	45
Automated jury selection.....	56
Automation project.....	56
Bankruptcy system:	
Case filings.....	68
Committee on, report of.....	65
Referees:	
Cost of living increase.....	69
Salaries and arrangements for.....	65
Salary and expense fund.....	69
Bankruptcy rules.....	60
Budget:	
Committee on, report of.....	45
Congressional Budget and Impoundment Control Act of 1974.....	46
Cost of operation of judiciary.....	45
Estimates for fiscal year 1976.....	46
Call of the conference.....	41
Central Utah Reclamation Project.....	53
Civil docket package.....	50
Claims and disputes relating to government contracts.....	50
Commemoration on the death of the Honorable Earl Warren, former Chief Justice of the United States.....	97
Conference:	
Call of.....	41
Release of action.....	98
Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344).....	46
Consumer claims.....	53
Convention abolishing legalization for foreign public documents.....	97
Cost of living increases:	
Magistrates.....	70
Referees.....	69

	Page
Counsel in discretionary appeals.....	63
Court administration:	
Additional judgeships.....	48
Civil docket package.....	50
Judicial Survivors Annuity Act.....	47
Legislation.....	53
Representation of judicial officers.....	47
Retirement of Directors of Administrative Office and Federal Judicial Center.....	52
Statistics on fugitive criminal cases.....	49
Supporting personnel:	
Clerks' offices—courts of appeals.....	51
Clerks' offices—district courts.....	51
Court reporters' salaries.....	51
Court reporters' transcript rates.....	51
Interpreter.....	52
Miscellaneous positions.....	52
Probation officers.....	52
Special legal staff for the Ninth Circuit.....	50
Staff law clerks—Fourth Circuit.....	51
Court reporters:	
Salaries.....	51
Transcript rates.....	51
Courts:	
Courts of appeals:	
Additional judgeships.....	48
Additional personnel.....	45, 50, 51, 52
Clerks' offices.....	51
Miscellaneous positions.....	52
Special legal staff for the Ninth Circuit.....	50
Staff law clerks—Fourth Circuit.....	51
Statistics.....	44
District courts:	
Additional personnel.....	45, 51, 52
Civil suspense docket.....	50
Clerks' offices.....	51
Criminal suspense docket.....	49
Statistics.....	44
Criminal Justice Act:	
Appointments and payments.....	62
Committee on, report of.....	62
Counsel in discretionary appeals.....	63
Defender offices.....	62
Grand jury witnesses.....	63
Parole revocation proceedings.....	63
Representation on appeal.....	63
Criminal law:	
Committee on, report of.....	58
Grand jury.....	59
Review of sentences.....	58
Speedy trial legislation.....	58
Voluntary surrender.....	59

	Page
Criminal rules.....	61
Criminal suspense docket.....	49
Defender offices.....	62
Elections:	
Board member of Federal Judicial Center.....	43
Director of Federal Judicial Center.....	43
Evidence, rules of.....	61
Excuse and exemption provisions of jury plans.....	57
Federal Judicial Center:	
Election of board member.....	43
Election of director.....	43
Resolution on retirement of the Honorable Alfred P. Murrah as director.....	43
Retirement of director.....	52
Forms:	
Revision of JS 12.....	56
To facilitate communications (AO 235).....	65
Grand jury:	
Witnesses.....	63
Habeas corpus:	
Committee on, report of.....	59
Draft legislation dealing with prisoner cases.....	59
Intercircuit assignments:	
Committee on, report of.....	60
Policy regarding assignments.....	60
Interpreter—Southern District of Texas.....	52
Judges:	
Additional.....	48
Disqualification of.....	55
Failure to file extra-judicial income reports.....	54
Retirement under 28 U.S.C. 372.....	53
Judicial activities:	
Advisory committee on, report of.....	55
Judicial conduct:	
Disqualification of judges (S. 1064).....	55
Joint committee on, report of.....	54
Judicial officers, representation of.....	47
Judicial Survivors Annuity Act.....	47
Judiciary, cost of operation of.....	45
Jurors:	
Protection of employment.....	55
Qualification as a restoration of civil rights.....	57
Jury:	
Automated selection.....	56
Automation project.....	56
Grand:.....	59
Witnesses.....	63
Size of.....	56

	Page
Jury system:	
Automated jury selection.....	56
Automation project.....	56
Committee on, report of.....	55
Excuses and exemptions.....	57
Land condemnation.....	55
Periodic reporting.....	56
Protection of juror's employment.....	55
Size of juries.....	56
Qualification as a restoration of civil rights.....	57
Land condemnation.....	55
Legislation:	
Cases arising in connection with Central Utah Reclamation Project..	53
Claims and disputes relating to government contracts.....	53
Consumer claims.....	53
Disqualification of judges.....	55
Prisoner cases filed under Section 1983 of Title 42.....	59
Retirement under 28 U.S.C. 372.....	53
Speedy trial.....	58
Voluntary surrender procedures.....	64
Magistrates:	
Changes in positions.....	70
Cost of living increases.....	70
Salary matters.....	69
Magistrates system:	
Changes in magistrates positions.....	70
Cost of living increases.....	70
Salary matters.....	69
Murrah, Honorable Alfred P.	
Resolution on retirement as director of the Federal Judicial Center....	43
Parole revocation proceedings.....	63
Periodic reporting on juries.....	56
Pretermission of terms of courts of appeals.....	98
Probation officers:	
Additional.....	52
Protection of.....	64
Probation system:	
Committee on, report of.....	64
Form to facilitate communications.....	65
Protection of probation officers.....	64
Sentencing institute.....	64
Voluntary surrender procedures.....	64
Protection of juror's employment.....	55
Protection of probation officers.....	64
Qualification as a restoration of civil rights.....	57
Referees:	
Cost of living increases.....	69
Salaries and arrangements for.....	65
Salary and expense fund.....	69
Release of conference action.....	98

	Page
Representation on appeal.....	63
Resolution on retirement of the Honorable Alfred P. Murrah as director of the Federal Judicial Center.....	43
Retirement of directors of Administrative Office and the Federal Judicial Center.....	52
Retirement under 28 U.S.C. 372.....	53
Review committee:	
Committee on, report of.....	53
Official officers who have not reported.....	54
Public reports of extra-judicial income.....	54
Rules of practice and procedure:	
Appellate rules.....	61
Bankruptcy rules.....	60
Committee on, report of.....	60
Criminal rules.....	61
Rules of Evidence.....	61
Salaries:	
Court reporters.....	51
Magistrates.....	69
Referees.....	65
Selection of sentence, communications regarding.....	65
Sentences, review of.....	58
Sentencing institute.....	64
Size of juries.....	56
Special report of advisory committee to the secretary of state on private international law.....	97
Speedy trial legislation.....	58
Statistics.....	44
Bankruptcy.....	68
Fugitive criminal cases.....	49
Supporting personnel:	
Clerks' offices—courts of appeals.....	51
Clerks' offices—district courts.....	51
Court reporters' salaries.....	51
Court reporters' transcript rates.....	51
Interpreter.....	52
Miscellaneous positions.....	52
Probation officers.....	52
Special legal staff for the Ninth Circuit.....	50
Staff law clerks—Fourth Circuit.....	51
Transcript rates.....	51
Voluntary surrender of selected sentenced offenders.....	59, 64
Warren, Honorable Earl, Commemoration on death of.....	97