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

March 6-7, 1985

Washington, D. C.  
1985

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**ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS**

Joseph F. Spaniol, Jr.  
Acting Director

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**of the**  
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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, 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. 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. It shall also submit suggestions and recommendations to the various courts to promote uniformity of management procedures and the expeditious conduct of court business. The Conference is authorized to exercise the authority provided in section 372(c) of this title as the Conference, or through a standing committee. If the Conference elects to establish a standing committee, it shall be appointed by the Chief Justice and all petitions for review shall be reviewed by that committee. The Conference or the standing committee may hold hearings, take sworn testimony, issue subpoenas and subpoenas duces tecum, and make necessary and appropriate orders in the exercise of its authority. Subpoenas and subpoenas duces tecum shall be issued by the clerk of the Supreme Court or by the clerk of any court of appeals, at the direction of the Chief Justice or his designee and under the seal of the court, and shall be served in the manner provided in rule 45(c) of the Federal Rules of Civil Procedure for subpoenas and subpoenas duces tecum issued on behalf of the United States or an officer or any agency thereof. The Conference may also prescribe and modify rules for the exercise of the authority provided in section 372(c) of this title. All judicial officers and employees of the United States shall promptly carry into effect all orders of the Judicial Conference or the standing committee established pursuant to this section.

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.

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JUDICIAL CONFERENCE OF THE UNITED STATES

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**REPORT OF THE PROCEEDINGS  
OF THE JUDICIAL CONFERENCE  
OF THE UNITED STATES**

**March 6-7, 1985**

The Judicial Conference of the United States convened on March 6, 1985, pursuant to the call of the Chief Justice of the United States, issued under 28 U.S.C. 331, and continued in session on March 7. The Chief Justice presided and the following members of the Conference were present:

**First Circuit:**

Chief Judge Levin H. Campbell  
Judge W. Arthur Garrity, Jr., District of Massachusetts

**Second Circuit:**

Chief Judge Wilfred Feinberg  
Chief Judge Jack B. Weinstein, Eastern District  
of New York

**Third Circuit:**

Chief Judge Ruggero J. Aldisert  
Chief Judge Walter K. Stapleton, District of Delaware

**Fourth Circuit:**

Chief Judge Harrison L. Winter  
Judge Robert R. Merhige, Jr., Eastern District of Virginia

**Fifth Circuit:**

Chief Judge Charles Clark  
Judge Adrian G. Duplantier, Eastern District of Louisiana

**Sixth Circuit:**

Chief Judge Pierce Lively  
Chief Judge Robert M. McRae, Jr., Western District  
of Tennessee

**Seventh Circuit:**

Chief Judge Walter J. Cummings  
Chief Judge John W. Reynolds, Eastern District  
of Wisconsin

**Eighth Circuit:**

Chief Judge Donald P. Lay  
Judge Albert G. Schatz, District of Nebraska

**Ninth Circuit:**

Chief Judge James R. Browning  
Chief Judge Robert J. McNichols, Eastern District  
of Washington

**Tenth Circuit:**

Chief Judge William J. Holloway  
Chief Judge Luther B. Eubanks, Western District  
of Oklahoma

**Eleventh Circuit:**

Chief Judge John C. Godbold  
Chief Judge James Lawrence King, Southern District  
of Florida

**District of Columbia Circuit:**

Chief Judge Spottswood W. Robinson, III  
Chief Judge Aubrey E. Robinson, Jr., District  
of Columbia

**Federal Circuit:**

Chief Judge Howard T. Markey



Circuit Judges Frank M. Coffin, Edward A. Tamm, Otto R. Skopil, Jr., and Gerald B. Tjoflat; Senior Circuit Judge Carl A. McGowan; Senior District Judges Aldon J. Anderson, Edward T. Gignoux, Elmo B. Hunter, and Thomas J. MacBride; and District Judges Robert E. DeMascio and William J. Nealon, Jr. attended all or some of the sessions of the Conference.

The Attorney General of the United States, Honorable Edwin Meese III; the Solicitor General, Honorable Rex E. Lee; and the Director of the United States Marshal's Service, Stanley E. Morris, addressed the Conference briefly on matters of mutual interest to the Department of Justice and the Conference.

Dennis W. Shedd, Chief Counsel of the Senate Judiciary Committee, conveyed the greetings of the Chairman of the Committee, Honorable Strom Thurmond.

The President of the American Bar Association, John C. Shepherd, accompanied by a former President, Justin A. Stanley, attended the Conference briefly on the first day and informed the Conference of activities of the American Bar Association relating to the administration of justice.

William E. Foley, Director of the Administrative Office of the United States Courts; Joseph F. Spaniol, Jr., Deputy Director; James E. Macklin, Executive Assistant Director; William J. Weller, Legislative Affairs Officer; Daniel R. Cavan, Deputy Legislative Affairs Officer; Paul C. Summit, Assistant Legislative Affairs Officer; Deborah H. Kirk, Inspector General; Professor A. Leo Levin, Director of the Federal Judicial Center and Charles W. Nihan, Deputy Director, attended the sessions of the Conference. Mark W. Cannon, Administrative Assistant to the Chief Justice, and Douglas D. McFarland, Judicial Fellow assigned to the Office of the Administrative Assistant, also attended the sessions of the Conference.

The Director of the Federal Judicial Center, A. Leo Levin, presented a report on the activities of the Center.

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

The Director of the Administrative Office of the United States Courts, William E. Foley, submitted to the Conference a brief report on the judicial business of the courts during the calendar year 1984. The Conference authorized its immediate release.

**JUDICIAL BUSINESS OF THE COURTS**

Mr. Foley reported that during the calendar year 1984 there were 32,983 appeals filed in the twelve regional courts of appeals, an increase of 7.2 percent over the 30,757 appeals filed during the calendar year 1983. There were 31,721 appeals terminated, an increase of 6.6 percent over the previous year, but 1,262 less than the number filed. As a result appeals pending on the dockets of the courts of appeals on December 31, 1984 increased 5.5 percent, to a record 24,408 pending appeals.

In the United States Court of Appeals for the Federal Circuit there were 1,481 appeals filed, an increase of 46.1 percent over the previous year. Appeals from the Merit Systems Protection Board more than doubled from 386 in 1983 to 858 in 1984 and accounted for 57.9 percent of new filings. Terminations in the Court of Appeals for the Federal Circuit rose 44.5 percent to 1,081. Filings, however, were much higher than terminations and the pending caseload grew 71.8 percent during the twelve month period.

Civil cases filed in the United States district courts in 1984 increased a modest 1.7 percent to a record 259,933 cases. Civil case terminations during the year rose to 260,178 which is the first time since 1970 that the termination of civil cases in the district courts has outnumbered filings. Pending civil actions declined slightly to 246,632 as of December 31, 1984.

During the year there were 38,538 criminal cases filed in the district courts, an increase of 4.6 percent from the 36,857 criminal cases filed in 1983. Terminations rose 9.2 percent to 37,229, but were 1,309 cases fewer than the number filed. As a result the pending criminal caseload on December 31, 1984 increased 6.3 percent to 21,597 pending cases.

In 1984 there were 348,488 bankruptcy petitions filed in the district courts, a decrease of 0.1 percent over the previous year. There were 314,757 bankruptcy cases closed, 6.6 percent more than the previous year, and bankruptcy petitions pending on December 31, 1984 increased 6.0 percent to a record 598,549 cases.

#### **JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

The Judicial Panel on Multidistrict Litigation submitted a written report to the Conference indicating that in the six month period ended December 31, 1984 the panel had acted on 462 civil actions pursuant to 28 U.S.C. 1407. Of that number, 436 actions were centralized for consolidated pretrial proceedings, including 321 tag-along cases. The panel denied transfer of 26 actions.

Since its creation in 1968 the panel has transferred 11,603 civil actions for centralized pretrial proceedings in carrying out its responsibilities under the statute.

#### **COMMITTEE ON THE JUDICIAL BRANCH**

Judge Frank M. Coffin, Chairman of the Committee on the Judicial Branch, presented the Committee's report.

#### **SOCIAL SECURITY**

Judge Coffin informed the Conference that the Director of the Administrative Office had requested the Committee to review the report of the study conducted by the Administrative Office concerning social security tax deductions from salaries of senior judges. The study concluded that senior judges should be given an option to participate in the social security system and that, in fairness, judges who were in active service on April 2, 1983 should also be given such an option. By mail vote the Committee endorsed the report as to senior judges and judges in service on April 2, 1983.

Upon the recommendation of the Committee the Conference endorsed the recommendations contained in the report on the study concerning social security tax deductions from salaries of judges and authorized its transmission to the Congress.

## JUDICIAL SALARIES

Judge Coffin informed the Conference that because of the delay in completing appointments to the Quadrennial Commission on Executive, Legislative and Judicial Salaries it is now impossible for any commission recommendations to be submitted to the President and to reach the Congress until the submission of the fiscal year 1986 budget next year. The Commission, however, is now fully formed and has held two meetings. Its staff has received copies of the statements on the need for increases in judicial salaries which were authorized to be distributed by the Conference at its last session. The Committee is currently working with the Commission staff and will be prepared to testify in the event hearings are conducted.

At the request of Judge Coffin the Conference authorized the Committee to send a status report to all judges.

## COMMITTEE ON COURT ADMINISTRATION

Judge Elmo B. Hunter, Chairman of the Committee on Court Administration, presented the report of the Committee.

### AUTOMATION

Judge Hunter informed the Conference that the Subcommittee on Judicial Improvements had reviewed the 1985 revision of the Five-Year Plan for automation in the United States courts in the light of the comments received from the various circuits and had adopted a number of suggestions for change. As amended, the Five-Year Plan was unanimously approved by the Court Administration Committee. The Subcommittee has also directed the Administrative Office to work with the circuit executives and the special committee on automation to develop an implementation plan for office automation to be included in the Five-Year Plan. The special subcommittee on automation will meet again in the Spring of 1986 to review the implementation plan prior to its presentation to the full subcommittee.

Judge Hunter also informed the Conference that the Committee remains convinced that the Federal Judicial Center and the Administrative Office should systematically develop

automated data, communication, and office automation information capabilities in all courts at the fastest possible rate consistent with sound fiscal and personnel management policies to facilitate maximum system-wide productivity and benefit to the federal courts. The Committee further believes that training of court personnel is an extremely important part of automation. Some courts are not ready for automation and will not be until their personnel are trained and their procedures improved.

Upon the recommendation of the Committee the Conference approved the following policies for the guidance of the Administrative Office and the Federal Judicial Center:

1. Encourage and support innovative use of office automation equipment by judges and their staffs in cooperation with the Administrative Office and the Federal Judicial Center; and
2. Decline approval of funding or proposals for large systems developed by any court or independent contractor which conflict with or overlap the five-year plan for automation because:
  - a. Such proposals cause an unnecessary burden on Administrative Office and Federal Judicial Center planning and funding capabilities;
  - b. The review of such proposals impairs the ability of the Administrative Office and the Federal Judicial Center to concentrate all personnel efforts and dollar resources to nationwide, systematic development of automated data and word processing capability; and
  - c. Such proposals, if approved, would inevitably lead to a balkanization of systems that would preclude cost effective maintenance and enhancement of the courts' automated data and office automation equipment and services.

The above should not be construed to forbid funding of small projects, especially where a private contractor has available a small system which is compatible with systems in use in the federal courts.

#### TRAVEL REGULATIONS FOR JUSTICES AND JUDGES

The Administrative Office had submitted to the Committee proposed changes in the Travel Regulations for Justices and Judges which were approved by the Conference in September, 1980 (Conf. Rept., p. 67). Most of the changes are minor or in implementation of recent legislation. The Administrative Office also proposed the inclusion of all judicial officers, including bankruptcy judges and United States magistrates, within these regulations.

It was the view of the Committee that bankruptcy judges and magistrates should be included in the travel regulations if at all possible, but has requested the Administrative Office to provide the Committee with an opinion on the legality of doing so for consideration at its next meeting. The Committee was also of the view that a traveler should be permitted to claim reimbursement for a full meal even though a light meal, or snack, had been provided by an airline, provided that the maximum reimbursement is not exceeded.

Upon the recommendation of the Committee the Conference approved the changes in the travel regulations recommended by the Administrative Office with the exceptions noted by the Committee.

#### MISCELLANEOUS FEE SCHEDULES

At its session in March, 1984 (Conf. Rept., p. 50) the Conference authorized the free distribution of the local rules of the United States courts of appeals and requested the Committee to consider the question of providing for the free distribution of the local rules of the district courts. A survey of the clerks of the district courts indicated that half of these courts currently distribute their local rules free of charge, that forty percent recoup their cost, and that the remaining ten percent did not clearly specify their procedures. The Administrative Office indicated that there was no legal impediment to the free distribution of the local rules of the

district courts. The Committee was of the view, however, that if local rules of court are to be issued free of charge in looseleaf form, they should be set out on standard size paper, 8-1/2 x 11 inches, to facilitate copying and further that the courts should not provide expensive ring binders free of charge. The Committee noted that the Committee on the Administration of the Bankruptcy System had suggested that if copies of local district courts rules are to be provided free of charge, the local rules governing bankruptcy procedure should also be distributed free of charge.

Upon the recommendation of the Committee the Conference authorized an amendment to the miscellaneous fee schedules, promulgated pursuant to 28 U.S.C. 1914 and 1930, to allow the free distribution of the local rules of the district courts including local bankruptcy rules.

The Committee was also asked to give consideration to the appropriate method of making pattern jury instructions available to members of the bar.

#### COMPUTERIZED DOCKETS

At its session in September, 1980 the Conference approved the use of computerized criminal dockets (Conf. Rept., p. 45) and in March, 1984 approved the use of automated dockets in the courts of appeals, district courts and bankruptcy courts (Conf. Rept., p. 7). In each instance the approval was subject to the condition that at the conclusion of the case a printout of the entire docket record be made and bound in the regular docket books of the court. Judge Hunter advised the Conference that many courts now maintain their dockets on microfiche, that the use of microfiche is feasible in terms of available technology, ease of use, and records security, and is more cost effective than the maintenance of paper docket records. Furthermore, the National Archives and Records Service has advised that it will accept microfiche copies of docket sheets in closed cases in lieu of the original paper copies as the permanent records of the court.

Upon the recommendation of the Committee the Conference authorized the use of microfiche in lieu of paper copies of closed docket sheets in those courts in which microfiche technology is available.

## FRIVOLOUS LITIGATION

At its session in September, 1983 (Conf. Rept., p. 56) the Conference approved the concept of the exhaustion of state administrative remedies in cases brought under 28 U.S.C. 1983 and authorized the Committee to develop and submit appropriate legislation for further consideration by the Conference. Draft legislation prepared by the Committee was withdrawn by the Chairman for further study.

## JUDICIAL IMMUNITY

The Conference in March, 1984 (Conf. Rept., p. 10) requested the Committee to give further consideration to various proposals to amend federal law to preclude suits for damages or the imposition of attorneys' fees against judges or judicial officers for actions arising out of the performance of their official duties. Judge Hunter informed the Conference that the issue of judicial immunity from civil actions against federal and state judges and judicial officers continues to be of substantial concern. In August, 1984 the Conference of Chief Justices of the States adopted a resolution calling upon the Judicial Conference to initiate an early study of the exemption of state judges and judicial officers, acting in their official capacities, from the provisions of 42 U.S.C. 1988 and to support efforts to amend the statute to exempt state judges and judicial officers from the assessment of attorneys' fees.

Upon the recommendation of the Committee the Conference recommended that the last sentence of 42 U.S.C. 1988 be amended to read as follows:

In any action or proceeding to enforce a provision of sections 1981, 1982, 1983, 1985, and 1986 of this title, title IX of Public Law 92-318, or title VI of the Civil Rights Act of 1964, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs; provided that no such fees shall be awarded against a judge or judicial officer who would be immune from actions for damages arising out of the same act or omission about which complaint is made.



REPORTS OF MATTERS HELD UNDER  
SUBMISSION OR ADVISEMENT

At the Conference session in September, 1984 (Conf. Rept., p. 51) Judge Hunter withdrew for further study a proposal to revise the procedure for filing reports of cases held under submission for more than 90 days in the courts of appeals and cases and motions held under advisement more than 60 days in the district courts. Judge Hunter advised the Conference that in response to a questionnaire the chief judges of the circuits were in agreement that the responsibility for preparing the quarterly reports of cases held under submission and advisement should be transferred from the Administrative Office to the circuit executives. It was felt that this procedure would improve the timeliness of the reports and would be more useful to the chief judges and the judicial councils of the circuits. Furthermore, the majority of chief judges favored the retention of the report on a quarterly basis because it allows for more control of backlogs, more up-to-date information, and more complete reporting. The chief judges were unanimous in their view that both magistrates and bankruptcy judges should also file reports similar to those required of district judges.

The Committee thereupon submitted the following recommendations which were approved by the Conference:

1. That the circuit executives, rather than the Administrative Office, collect reports on cases and motions held under advisement for more than 60 days by district judges and cases held under submission for more than 90 days in the courts of appeals, and prepare a quarterly report for submission to the circuit council, the chief judges of the courts involved, the district court executives, and the Administrative Office, beginning with the quarter ending September 30, 1985.
2. That the circuit executives collect reports from United States magistrates on cases and motions held under advisement for more than 60 days and prepare a separate quarterly report for submission to the

circuit council, chief judges of the district courts, district court executives, and the Administrative Office, beginning with the quarter ending September 30, 1985.

3. That the circuit executives collect reports from United States bankruptcy judges on cases and motions, including adversary proceedings, held under advisement for more than 60 days and prepare a separate quarterly report for submission to the circuit council, chief judges of the district courts, district court executives, and the Administrative Office, beginning with the quarter ending September 30, 1985.
4. That a task force of judges, circuit executives, district court clerks, bankruptcy clerks, and Administrative Office staff develop a standard format, reporting instructions, and forms for the reports, and a standard procedure for district court clerks and bankruptcy clerks to assist district judges, bankruptcy judges, and magistrates in preparing their reports.
5. That the Judicial Conference urge the judicial councils of the circuits and the district courts to use the report on matters held under advisement and submission in exercising their oversight responsibility regarding the effective and expeditious administration of justice within the circuits and districts.

The status of a matter as "under advisement" shall begin on the date on which the last act to be performed by any attorney has been completed, or if a transcript has been ordered, when the transcript is delivered, and the parties are awaiting decision by the court.

The Conference further requested the Committee to consider combining the report on pending three year old civil cases with the report on cases held under advisement in the district courts.

## AUTHORIZATION OF TEMPORARY PERSONNEL FOR JUDGES

At its session in September, 1982 (Conf. Rept., p. 77) the Conference adopted a procedure regarding the temporary appointment of personnel to assist judges in emergency situations. The Committee advised the Conference of various practical difficulties that have arisen in the implementation of this procedure. Upon the recommendation of the Committee the Conference rescinded its previous resolution and adopted the following procedure:

A circuit or district judge's declaration of a judicial emergency and request to employ additional temporary law clerks or secretaries or the extension thereof, and the chief judge's concurrence must be transmitted to the circuit judicial council or such other committee or judge as the circuit council may direct for approval or disapproval for whatever term the circuit council, or such other committee or judge as the circuit council may direct, deems appropriate and necessary. Similarly, declarations of emergencies by bankruptcy judges and magistrates and requests for additional temporary law clerks, legal assistants, or secretaries, must have the chief district judge's concurrence and approval of the circuit council or such other committee or judge as the circuit council may direct.

The appointment of additional personal staff for circuit, district, and bankruptcy judges and magistrates on a temporary basis is to be discouraged and authorized only in those situations where there is a serious problem and the additional staff support is essential to the operations of the office and after consideration of solving the emergency by utilizing case management techniques, such as reallocation and reassignment of caseloads, on a temporary basis. Except as provided and justified above, temporary secretaries and law clerks should not be authorized for judges assigned to the Temporary Emergency Court of Appeals, the Judicial Panel on Multidistrict Litigation, or for those who are serving on committees of the Judicial Conference.

Judge Godbold requested that the Court of Appeals of the Eleventh Circuit be permitted to have three additional positions in the Staff Attorney's Office on a temporary basis until the additional judgeships recommended for the Court by the Conference are created. The Conference authorized Judge Godbold to seek an exception to the formula of one staff attorney for each authorized judgeship position which has been established by the Congress.

#### COURT INTERPRETERS

Judge Hunter informed the Conference that problems have arisen in recruiting and retaining court interpreters because of the low salary. Using the Language Specialist Series classification in the Executive Branch the Administrative Office had determined that the position of court interpreter was equivalent to JSP-12. Furthermore career diplomatic interpreters at the State Department may progress to level 14 of the General Schedule.

Upon the recommendation of the Committee the Conference approved the extension of the career ladder for the position of court interpreter from grade JSP-11 to JSP-12 and directed that the Judiciary Salary Plan be revised accordingly.

#### SECRETARIES

The Federal Judicial Secretaries Association had requested the Conference to consider raising the allowable maximum grade for judges' secretaries from grade JSP-11 to JSP-12 and raising assistant secretaries from JSP-9 to JSP-10. Judge Hunter informed the Conference that the Subcommittee on Supporting Personnel had compared the salaries of judges' secretaries with the salaries of the higher paid secretaries in law firms in several major cities and, as of December, 1984, found them to be comparable. Accordingly the Committee recommended that the highest authorized grade for a secretary to a judge remain at grade JSP-11.

The Committee did recommend, however, that the maximum allowable grade for an assistant secretary to a circuit or district judge be increased from grade JSP-9 to

grade JSP-10 and that the maximum allowable grade for a secretary to a United States magistrate be increased to grade JSP-10. These recommendations were approved by the Conference.

#### DISTRICT COURT EXECUTIVES

Judge Hunter informed the Conference that the Committee had reviewed a Federal Judicial Center report on the district court executive pilot project and agreed with the conclusion of the Judicial Center that statutory authority for permanent positions should be sought. The Committee accordingly submitted draft legislation to provide for the appointment of a district court executive by a district court with eight or more authorized active judgeship positions. The Conference approved the draft legislation and authorized its submission to the Congress.

#### PRO SE LAW CLERKS

Judge Hunter informed the Conference that last Spring the House Appropriations Committee denied the funding requested for additional pro se law clerk positions for the fiscal year 1985 and requested the Judicial Conference to reevaluate the program. A report prepared by the Administrative Office concluded that the pro se law clerk program has been successful and has greatly assisted the participating courts in the management of their prisoner cases. The pro se law clerk works for the entire court in a specialized area of the law and does not duplicate the services provided by judges' personal law clerks or magistrates' legal assistants. Rather, the utilization of a pro se law clerk has enabled judicial officers and their staffs to devote more time to other matters.

Upon the recommendation of the Committee the Conference reaffirmed its approval of the pro se law clerk program, authorized a request for funds to expand the program to courts which are eligible to participate under existing standards, and authorized the distribution of the Administrative Office report to interested persons.

## COURT REPORTERS

Judge Hunter submitted to the Conference a proposal to require that when a court establishes a regular tour of duty for one or more of its court reporters, it must do so for all reporters at the same geographic location. After discussion the Conference recommitted the proposal for further study by the special Ad Hoc Committee on Court Reporters.

## BANKRUPTCY CLERKS OFFICES

The Conference at its session in March, 1981 (Conf. Rept., p. 22) approved a staffing formula for bankruptcy clerks offices based on a comprehensive work measurement study conducted by the Administrative Office. It was agreed at that time that the formula would have to be reevaluated. Judge Hunter informed the Conference that a reevaluation, commenced in October, 1983, resulted in a new staffing formula which had been reviewed by both the Committee on Court Administration and the Committee on the Administration of the Bankruptcy System.

Upon the recommendation of the Committee, the Conference approved the staffing formula for bankruptcy clerks offices and approved an amendment to the appropriations request for the fiscal year 1986 to reflect the additional personnel justified under the new formula.

## STAFFING FORMULA FOR PRETRIAL SERVICES

Judge Hunter submitted to the Conference a proposed formula for staffing the pretrial services function which had been developed by the Administrative Office and reviewed by the Committee on the Administration of the Probation System as well as the Court Administration Committee. The new formula, however, does not take into consideration the potential impact of any additional work arising from the recent amendments to the bail laws and other changes included in the Comprehensive Crime Control Act of 1984. Upon the recommendation of the Committee, the Conference approved the new staffing formula for the pretrial services function.

## **COMMITTEE ON THE BUDGET**

Judge Charles Clark, Chairman of the Committee on the Budget, submitted the report of the Committee.

### **APPROPRIATIONS FOR THE FISCAL YEAR 1986**

Judge Clark informed the Conference that because the national budget has become a focus of much debate the Committee decided to review the appropriations request approved by the Conference in September, 1984 (Conf. Rept., p. 60) to determine if any reduction could be made without impairing the ability of the courts to deliver the level of judicial services required by increased filings and new legislation. The review confirmed that all supporting personnel included in the revised budget for 1986 are required, based on workload projections and the established staffing formulas. Since, however, the total projected increase in filings probably will not materialize until the end of the year, the Committee felt that the courts should be able to phase in the additional personnel needed rather than attempting to bring them in as promptly as possible. By following this plan the 1986 funding request could be reduced by the difference in the cost of the new positions for the full fiscal year and the cost for a partial year.

The Conference thereupon authorized the Budget Committee to make a concession which will reduce the requested level of funding for the fiscal year 1986 by \$12,150,000.

## **JUDICIAL ETHICS COMMITTEE**

The written report of the Judicial Ethics Committee, chaired by Judge Edward A. Tamm, was received by the Conference. The report indicated that the Committee received 1,888 financial disclosure reports for the calendar year 1983 and had addressed 558 letters of inquiry to judicial officers and employees concerning omissions or commissions in their 1983 filings.

## **ADVISORY COMMITTEE ON CODES OF CONDUCT**

The written report of the Advisory Committee on Codes of Conduct, under the chairmanship of Judge Howard T. Markey, indicated that since its last report the Committee had received 18 inquiries and had issued 17 advisory responses. The Chairman also responded to 6 telephone inquiries that did not require reference to the Committee.

## **COMMITTEE ON INTERCIRCUIT ASSIGNMENTS**

The written report of the Committee on Intercircuit Assignments, submitted by the Chairman, Judge Thomas A. Flannery, was received by the Conference.

The report indicated that during the period August 15, 1984 through February 1, 1985, the Committee had recommended 48 intercourt assignments to be undertaken by 42 judges. Of this number, 13 were senior circuit judges, 5 were active circuit judges, 17 were senior district judges, 3 were active district judges, 2 were senior judges of the Court of International Trade and 2 were active judges of the Court of International Trade.

Of the 28 judges assigned to serve in the United States courts of appeals, 13 were senior circuit judges, 5 were active circuit judges, 9 were senior district judges and 1 judge was an active judge of the Court of International Trade. Ten senior district judges, 3 active district judges, 2 senior judges of the Court of International Trade and 1 active judge of the Court of International Trade undertook 16 assignments to the United States district courts.

## **GUIDELINES FOR INTERCIRCUIT ASSIGNMENTS**

The Committee reported the following guidelines for intercourt assignments which were approved by the Chief Justice in November, 1984:

1. Assignment of United States judges from their statutory base is on the basis of the need of the receiving court. This standard will govern all intercourt assignments for both active and senior judges. The chief of the receiving circuit must execute a certificate of need.



2. A circuit which "lends" active judges on intercircuit assignments may not "borrow" judges from another circuit (except for emergencies).
3. A circuit which "borrows" active judges by intercircuit assignment may not "lend" active judges for assignment to another circuit.
4. The "lender-borrower" rule may be relaxed with respect to senior judges, circuit or district, provided the circuit is not "borrowing" and provided the chief judge of the circuit approves.
5. When active judges are borrowed or lent for a particular case or cases, for example because of disqualification of judges in the borrowing circuit to hear a case or cases, the "lender-borrower" rule will not apply.
6. The 750-mile travel limitation does not apply to senior judges who are assigned to work on circuit courts.
7. Except to meet an emergency, a judge assigned to work on the general calendar of a district court must serve at least two weeks if the travel is less than 750 miles and for at least one month if the travel exceeds 750 miles.
8. The "borrower-lender" rules does not apply to the United States Court of Appeals for the Federal Circuit, and to the Court of International Trade.
9. On assignments to either a circuit or district court, judges may take either a law clerk or a secretary; reimbursement for additional supporting personnel is not permitted. The court to which a judge is assigned is expected to furnish any additional supporting personnel needed.
10. In the future no intercircuit assignment of judges will be approved to take effect more than eight months after the date of the Certificate of Need.

## **COMMITTEE ON RULES OF PRACTICE OF PROCEDURE**

Judge Edward T. Gignoux, Chairman of the Standing Committee on Rules of Practice and Procedure, presented the Committee's report.

### **BANKRUPTCY RULES**

The Committee submitted to the Conference proposed amendments to Bankruptcy Rules 5002 and 5004 together with Committee Notes explaining their purpose and intent and a separate report from the Chairman of the Advisory Committee summarizing the Advisory Committee's work. The Committee recommended that these proposed amendments be approved by the Conference and transmitted to the Supreme Court for its consideration with a recommendation that they be approved by the Court and transmitted to the Congress pursuant to law. This recommendation was approved by the Conference.

### **COMMITTEE ON THE ADMINISTRATION OF THE PROBATION SYSTEM**

Judge Gerald B. Tjoflat, Chairman of the Committee on the Administration of the Probation System, presented the Committee's report.

### **SENTENCING INSTITUTES**

The Conference in September, 1984 (Conf. Rept., p. 67) approved preliminary plans for a Joint Institute on Sentencing for the judges of the Fifth and Seventh Circuits to be held at the Federal Correctional Institution at Butner, North Carolina, April 1-3, 1985. The Committee submitted the final agenda for the sentencing institute which the Conference approved.

Judge Tjoflat informed the Conference that planning is continuing for an Institute on Sentencing for the judges of the Ninth Circuit to be held at the Federal Correctional Institution in Phoenix, Arizona in the Spring of 1986. The Committee is also formulating plans for a Joint Institute on Sentencing for the judges of the Second and Sixth Circuits to be held at the Federal Correctional Institution in Butner, North Carolina, March 17-19, 1986. The Committee will submit the final plans for these institutes to the Conference at its next session.

## COMPREHENSIVE CRIME CONTROL ACT OF 1984

Judge Tjoflat called attention to a series of suggested technical amendments to the Comprehensive Crime Control Act of 1984 and other proposed amendments to the Act, including a proposal to authorize senior judges to serve on the Sentencing Commission and the restoration of the authority of the Director of the Administrative Office to contract for drug aftercare services.

The Conference authorized the Probation Committee to work with the Administrative Office and the Federal Judicial Center in drafting technical and conforming amendments to improve the operation of the Comprehensive Crime Control Act of 1984.

### PRETRIAL SERVICES

Judge Clark called attention to a statement prepared by Judge Tjoflat for presentation at hearings originally scheduled before the Subcommittee on Crime of the Judiciary Committee of the House of Representatives which were subsequently cancelled. Judge Clark emphasized that the statement concisely summarized the previously expressed views of the Conference that the conduct of pretrial services in probation offices in many courts is more economical than the creation of separate pretrial services agencies. After discussion, the Conference endorsed the views set forth in Judge Tjoflat's statement.

### **COMMITTEE ON THE ADMINISTRATION OF THE BANKRUPTCY SYSTEM**

Judge Robert E. DeMascio, Chairman of the Committee on the Administration of the Bankruptcy System, presented the Committee's report.

### REFERENCES TO BANKRUPTCY JUDGES

Judge DeMascio informed the Conference that the draft guidelines for the reference of petitions and proceedings to bankruptcy judges, set out in the Committee's report, require further review. He therefore asked that the Committee be

authorized to submit the guidelines to the Executive Committee of the Conference at a later date for its consideration. The Conference approved.

#### RECALL TO SERVICE OF RETIRED BANKRUPTCY JUDGES

Section 155(b) of Title 28, United States Code, provides that a retired bankruptcy judge, upon consent, may be recalled to service in any judicial district by the judicial council of the circuit in which the district is located. When recalled the bankruptcy judge may receive a salary for such service in accordance with "regulations to be promulgated by the Judicial Conference," subject to the statutory restrictions on the aggregate compensation of reemployed annuitants.

The Committee submitted proposed regulations in accordance with 28 U.S.C. 155(b) which would provide that a retired bankruptcy judge recalled to service will receive the salary of an active bankruptcy judge on a "when actually employed" basis, may employ the services of a secretary or law clerk only with the approval of the circuit council, and will be subject to the Code of Judicial Conduct as a retired judge. The proposed regulations also would provide that the recall of a retired bankruptcy judge for service in a district outside the bankruptcy judge's own circuit must be approved by the Bankruptcy Committee. Upon the recommendation of the Committee the Conference adopted the regulations.

#### SELECTION AND APPOINTMENT OF BANKRUPTCY JUDGES

Judge DeMascio informed the Conference that the Executive Committee had approved the regulations for the selection and appointment of bankruptcy judges required by section 120(b) of the Bankruptcy Amendments and Federal Judgeship Act of 1984 as authorized by the Conference at its session in September, 1984 (Conf. Rept., p. 70).

Upon the recommendation of the Committee the Conference approved the following changes in these regulations:

1. Amended section 1.01(C) to read as follows:

At the time of the initial appointment they must not be related by blood or marriage to a judge of the appointing court of appeals or judicial council of that circuit, or to a judge of the district court to be served, within the degrees specified in 28 U.S.C. 458, at the time of the initial appointment.

2. Amended section 2.03 to read as follows:

The public notice shall be filed and posted in the offices of the clerk of the court of appeals, the clerk of the district court, and the bankruptcy clerk, a copy shall be provided to the Director of the Administrative Office at the time an appointment is made.

3. Amended section 4.03 to read as follows:

The name of the person selected by the court of appeals for appointment shall be submitted to the Director of the Administrative Office, who shall request background reports by the Federal Bureau of Investigation and the Internal Revenue Service. However, if the nominee has been the subject of such reports prior to appointment to the present position, the requirement for further background reports may be waived on request by the court of appeals.

#### ADJUSTMENTS IN STATUTORY DOLLAR AMOUNTS

The Bankruptcy Amendments and Federal Judgeship Act of 1984, 11 U.S.C. 104, requires the Judicial Conference to transmit to the Congress and to the President before May 1, 1985 and every six years thereafter its "recommendation for the uniform percentage adjustment of each dollar amount in [Title 11] and in section 1930 of Title 28." The dollar amounts referred to pertain to eligibility for Chapter 13 trustee compensation, priority of wage claims, and the limits on property exemptions, while 28 U.S.C. 1930 sets forth the fees to be charged by the clerk for the filing of a bankruptcy petition.

In light of the recent Congressional action setting these dollars amounts the Committee recommended that the Conference recommend to the Congress and to the President that no uniform percentage adjustment be made at this time in the dollar amounts in Title 11 and in 28 U.S.C. 1930.

#### ADDITIONAL BANKRUPTCY JUDGESHIPS

Judge DeMascio stated that the Committee will be developing standards to be applied in reviewing requests for the creation of new bankruptcy judgeship positions. Recommendations for new judgeships will then be considered in the light of these standards.

#### COMMITTEE ON THE ADMINISTRATION OF THE FEDERAL MAGISTRATES SYSTEM

Judge Otto R. Skopil, Jr., Chairman of the Committee on the Administration of the Federal Magistrates System, presented the Committee's report.

#### SALARIES OF PART-TIME MAGISTRATES

The government-wide comparability, or cost-of-living, salary adjustments are not granted to part-time magistrates as they are to bankruptcy judges by operation of law and to full-time magistrates by resolution of the Conference, but require affirmative Conference action. Upon the recommendation of the Committee, the Conference granted part-time magistrates, including those in combination positions who perform part-time magistrate duties for specific compensation, the 3.5 percent increase in salary that was granted to other federal employees, retroactive to the beginning of the first pay period commencing on or after January 1, 1985.

The new salary levels authorized for part-time magistrate positions are as follows:

Level 1 . . . . .	\$ 1,007
Level 2 . . . . .	2,015
Level 3 . . . . .	3,022
Level 4 . . . . .	4,030
Level 5 . . . . .	5,037

Level 6 .....	7,164
Level 7 .....	9,179
Level 8 .....	11,195
Level 9 .....	13,210
Level 10 .....	15,225
Level 11 .....	17,352
Level 12 .....	20,039
Level 13 .....	22,724
Level 14 .....	25,859
Level 15 .....	29,946
Level 16 .....	34,200

### CHANGES IN MAGISTRATE POSITIONS

After consideration of the report of the Committee and the recommendations of the Director of the Administrative Office, the district courts, and the judicial councils of the circuits, the Conference approved the following changes in salaries and arrangements for full-time and part-time magistrate positions. Unless otherwise indicated, these changes are to become effective when appropriated funds are available. The salaries of full-time magistrate positions are to be determined in accordance with the salary plan previously adopted by the Conference. The salaries for part-time magistrate positions include the comparability adjustments authorized by the Conference at this session.

#### FIRST CIRCUIT

##### Maine:

- (1) Increased the salary of the part-time magistrate position at Bangor from \$2,920 per annum to \$34,200 per annum.

#### THIRD CIRCUIT

##### New Jersey:

- (1) Authorized a second full-time magistrate position at Trenton.

- (2) Continued the part-time magistrate position at Asbury Park for an additional four-year term at the currently authorized salary of \$20,039 per annum.

#### FOURTH CIRCUIT

##### Maryland:

- (1) Authorized the part-time magistrate at Hagerstown to exercise jurisdiction in the adjoining Northern District of West Virginia.

##### North Carolina, Western:

- (1) Converted the part-time magistrate position at Charlotte to a full-time magistrate position.

##### West Virginia, Northern:

- (1) Increased the salary of the part-time magistrate position at Morgantown, Fairmont or Clarksburg from \$2,920 per annum to \$22,724 per annum.

#### FIFTH CIRCUIT

##### Louisiana, Western:

- (1) Converted the part-time magistrate position at Lake Charles to a full-time magistrate position.
- (2) Increased the salary of the part-time magistrate position at Lake Charles from \$21,956 per annum to \$29,946 per annum, until conversion of the position to full-time status.

##### Texas, Southern:

- (1) Redesignated the official location of one of the full-time magistrate positions at Brownsville as Brownsville or McAllen.



- (2) Continued the part-time magistrate position at McAllen or Edinburg for an additional four-year term and increased the salary from \$28,933 per annum to \$34,200 per annum.
- (3) Redesignated the official location of the part-time magistrate position at McAllen or Edinburg as McAllen or Brownsville.

Texas, Western:

- (1) Increased the salary of the full-time magistrate position at Del Rio (or Eagle Pass) from 69 percent of the maximum salary of a full-time magistrate to the maximum salary of a full-time magistrate.

SIXTH CIRCUIT

Michigan, Western:

- (1) Converted the part-time magistrate position at Kalamazoo to a full-time magistrate position.

Tennessee, Eastern:

- (1) Converted the part-time magistrate position at Greeneville to a full-time magistrate position.

SEVENTH CIRCUIT

Illinois, Northern:

- (1) Authorized a fifth and a sixth full-time magistrate position at Chicago.

EIGHTH CIRCUIT

Arkansas, Western:

- (1) Increased the salary of the part-time magistrate position at Hot Springs from \$6,922 per annum to \$13,210 per annum.

Minnesota:

- (1) Authorized a new part-time magistrate position at Minneapolis or St. Paul at a salary level of \$34,200 per annum.

Missouri, Eastern:

- (1) Authorized a fourth full-time magistrate position at St. Louis.

NINTH CIRCUIT

California, Eastern:

- (1) Converted the part-time magistrate position at Sacramento to a full-time magistrate position.

Hawaii:

- (1) Converted the part-time magistrate position at Honolulu to a full-time magistrate position.

Montana:

- (1) Increased the salary of the part-time magistrate position at Helena from \$1,947 per annum to \$4,030 per annum.

TENTH CIRCUIT

Wyoming:

- (1) Increased the salary of the full-time magistrate position at Yellowstone National Park from 52 percent of the maximum salary of a full-time magistrate, to 55 percent of the maximum salary of a full-time magistrate.

## ELEVENTH CIRCUIT

### Georgia, Northern:

- (1) Increased the salary of the part-time magistrate position at Rome from \$28,933 per annum to \$34,200 per annum.

### Georgia, Southern:

- (1) Increased the salary of the part-time magistrate position at Waycross or Brunswick from \$6,922 per annum to \$20,039 per annum.

### **COMMITTEE TO IMPLEMENT THE CRIMINAL JUSTICE ACT**

Judge Thomas J. MacBride, Chairman of the Committee to Implement the Criminal Justice Act, presented the report of the Committee.

### APPOINTMENTS AND PAYMENTS

Judge MacBride submitted to the Conference a report on appointments and payments under the Criminal Justice Act for the fiscal year ended September 30, 1984. The report indicated that Congress appropriated \$41,465,000 for "Defender Services" for the fiscal year 1984. The current estimate of appropriations expenditures for the fiscal year 1984 is approximately \$40,665,000, leaving an estimated balance of \$800,000 to be carried forward into the fiscal year 1985.

During the year approximately 52,300 persons were represented under the Criminal Justice Act, compared to 49,943 persons represented during the fiscal year 1983, an increase of 4.7 percent. Of these persons, Federal Public and Community Defender Organizations represented 27,350 or 52.3 percent of the total representations, compared to 52.5 percent in the fiscal year 1983 and 49.0 percent in the fiscal year 1982.

Upon the recommendation of the Committee the Conference authorized the Director of the Administrative Office to transmit the report to all chief judges, to all federal defender organizations, and to others who may request copies.

GRANT REQUESTS -  
COMMUNITY DEFENDER ORGANIZATIONS

Judge MacBride informed the Conference that the New York Legal Aid Society, Federal Defender Services Unit, had requested supplemental funding for the fiscal years 1985 and 1986 in the amounts of \$38,398 and \$54,743, respectively. Upon the recommendation of the Committee the Conference approved this request.

BUDGET REQUESTS -  
FEDERAL PUBLIC DEFENDERS

The Conference, upon the recommendation of the Committee, approved supplemental funding requests for Federal Public Defender offices for the fiscal years 1985 and 1986 as follows:

<u>District</u>	<u>Fiscal Year</u> <u>1985</u>	<u>Fiscal Year</u> <u>1986</u>
California, Central	\$ -	\$ 152,482
Florida, Southern	\$ 304,121	\$ 267,846
Hawaii	\$ 294,475	\$ -

COMPUTER ASSISTED LEGAL RESEARCH

Judge MacBride stated that the Committee had reviewed a request to provide federal defender organizations with in-office capability for accessing computer assisted legal research services. The Committee concluded that providing federal defenders with access would eliminate the concern expressed by some judges that federal defenders' use of their services creates the appearance of potential conflicts of interest; that the prosecution has been provided with liberal access to a variety of such services, including a proprietary system which was custom-designed for the Department of Justice; and that for many defenders existing arrangements for the use of the court's facilities are inefficient, ineffective or nonexistent. The Conference, upon the recommendation of the Committee, authorized the expenditure of up to \$250,000 in

the fiscal year 1986 to provide independent access to computer assisted legal research services by federal defender organizations in those situations in which existing access is inefficient, ineffective, or nonexistent.

#### COMPENSATION OF COUNSEL

The Director of the Administrative Office is required by Conference resolution to prepare an annual report on compensation paid to attorneys appointed under the Criminal Justice Act which exceeds \$12,000 during the reporting year. In view of the recent statute doubling the compensation rates and maximum amounts payable the Conference, upon the recommendation of the Committee, modified the reporting requirement to include only those attorneys appointed under the Criminal Justice Act who receive in excess of \$24,000 during the reporting year.

#### GUIDELINES

The Committee submitted the following amendments to the Guidelines for the Administration of the Criminal Justice Act which were approved by the Conference:

1. Amendments to Chapter 2 and a new Appendix H relating to the appointment of counsel for persons whose mental condition is the subject of a hearing pursuant to 18 U.S.C. Chapter 313 and to the provision of the Bail Reform Act of 1984 which requires that counsel be appointed to provide representation at detention hearings for persons arrested as material witnesses.
2. An amendment to paragraphs 2.03 and 2.04 relating to the determination of financial eligibility and ability to make reimbursement under the Criminal Justice Act.
3. An amendment to paragraph 2.22(D) to provide that, as a matter of policy, reimbursement of Criminal Justice Act attorneys' fees should not be made a condition of probation.
4. An amendment to paragraph 2.26 relating to compensation of appointed counsel for travel time.

5. An amendment to paragraph 4.02(A) relating to reappointment of federal public defenders.

A proposed amendment to paragraph 3.01 to reflect the availability of investigative, expert, and other services for pro se litigants was returned to the Committee for further study. The Committee was also asked to give further consideration to clarifying paragraph 2.26, relating to compensation for travel time.

### **COMMITTEE ON THE ADMINISTRATION OF THE CRIMINAL LAW**

Judge William J. Nealon, Jr., a member of the Committee on the Administration of the Criminal Law, presented the Committee's report in the absence of the Committee Chairman, Judge John D. Butzner, Jr.

#### **RACKETEERING ACTIVITIES**

Prior to the enactment of the Victim and Witness Protection Act of 1982, Public Law 97-291, tampering with a witness was covered in 18 U.S.C. 1503 which, in turn, was a predicate offense included in the definition of "racketeering activity" in 18 U.S.C. 1961 for the purposes of the Racketeer Influenced and Corrupt Organizations Act. Witness tampering was deleted from 18 U.S.C. 1503 by Public Law 97-291. The Committee was advised that this deletion was inadvertent. The Conference, upon the recommendation of the Committee, voted to recommend an amendment to 18 U.S.C. 1961(1) that would define racketeering offenses as including any act indictable under 18 U.S.C. 1512 and 1513.

#### **PROTECTION OF JUDICIAL PERSONNEL**

At its sessions in September, 1980 (Conf. Rept., p. 105) and September, 1981 (Conf. Rept., p. 94) the Conference recommended to Congress legislation to make it a crime for a person to threaten with bodily harm or seek to intimidate officers and employees of the United States courts. This recommendation was made in the light of threats of harm to a secretary of a judge in California and the brief kidnapping of two law clerks in the Northern District of Illinois.

Judge Nealon informed the Conference that the Comprehensive Crime Control Act of 1984, Chapter X, Part K, adds to the list of federal officers and employees protected by 18 U.S.C. 1114 "any other officer, agency, or employee of the United States designated for coverage under regulations issued by the Attorney General." The Committee recommended that the Conference request the Attorney General to include in the regulations issued pursuant to 18 U.S.C. 1114 "any officer or employee of the United States courts and any member of the staff of any United States judge or magistrate." This recommendation was approved by the Conference.

#### **AD HOC COMMITTEE ON THE LAW CLERK SELECTION PROCESS**

Judge Carl McGowan, Chairman of the Ad Hoc Committee on the Law Clerk Selection Process, submitted to the Conference a report of a survey conducted by the Federal Judicial Center on law clerk selection. The report indicated that the judges responding to a questionnaire were almost evenly divided on the question of whether there should be a Judicial Conference policy on the timing of steps in the law clerk selection process. After full discussion the Conference decided not to extend the two year experiment calling upon judges to refrain from considering applications for law clerk positions until July 15 of the year before the year of graduation. The Conference expressed its appreciation to the Chairman and the Committee for the work that had been done and directed that the Committee be discharged.

#### **AD HOC COMMITTEE ON AMERICAN INNS OF COURT**

Judge Aldon J. Anderson, Chairman of the Ad Hoc Committee on American Inns of Court, presented the Committee's report.

Judge Anderson informed the Conference that the Ad Hoc Committee has actively promoted the creation of new Inns of Court. There are currently twelve formally chartered Inns operating in Provo, Utah; Salt Lake City, Utah; Oxford, Mississippi; Honolulu, Hawaii; Brooklyn, New York; Washington, D.C.; San Francisco, California; Los Angeles, California; San Diego, California; Cincinnati, Ohio; Detroit,

Michigan; and Santa Clara, California. Other Inns are in the planning stages in Chicago, Illinois; Jacksonville, Florida; Houston, Texas; Kansas City, Missouri; Phoenix, Arizona; and Seattle, Washington.

Judge Anderson further stated that the Committee had drafted various documents for the creation of an American Inns of Court Foundation and that the application for a corporate charter would be filed this spring. The documents include Articles of Incorporation for an American Inns of Court Foundation, By-Laws of the Foundation, a Model Charter for an individual Inn of Court, and an implementation plan to bring the national organization into existence.

The Conference thereupon accepted and approved the report of the Ad Hoc Committee including its recommendations for the establishment of a national organization and authorized the continued operation of the Ad Hoc Committee with such reorganization as will enable it to fulfill its assigned objectives.

#### **RESOLUTION**

The Conference, noting the retirement of William E. Foley as Director of the Administrative Office of the United States Courts, adopted the following resolution:

The Judicial Conference of the United States wishes to express to William E. Foley, on the occasion of his retirement as Director of the Administrative Office of the United States Courts, its sincere appreciation for more than 20 years of dedicated service to the Federal Judiciary. Bill Foley came to the Judiciary in 1964 through appointment by the Supreme Court of the United States as the Deputy Director of the Administrative Office after a long career in the Department of Justice. In 1977 he succeeded to the position of Director. During his tenure Bill gained the respect and admiration not only of the members of this Conference, but also of Federal judges throughout the nation. He has been widely known for his understanding of the needs of the courts and for the faithful, competent discharge of the duties of his office



during a period of unprecedented expansion in the workload of the Federal courts. We, the members of the Conference, extend to him our thanks and best wishes for his generosity and friendship and wish him many years of health and happiness in his well-earned retirement.

### **ELECTIONS**

The Conference, pursuant to 28 U.S.C. 621(a)(2), elected Circuit Judge Arlin M. Adams to membership on the Board of the Federal Judicial Center for a term of four years succeeding Circuit Judge Cornelia G. Kennedy whose term expires on March 28, 1985.

The Conference, pursuant to 28 U.S.C. 332(f), elected Circuit Judge Jack R. Miller to membership on the Board of Certification for Circuit Executives for a term of three years succeeding Circuit Judge Howard T. Markey whose term expires on July 1, 1985.

### **PRETERMISSION OF TERMS OF THE COURTS OF APPEALS**

The Conference, pursuant to 28 U.S.C. 48, approved the pretermission of the terms of court of the United States Court of Appeals for the Tenth Circuit at Oklahoma City, Oklahoma and the terms of court of the United States Court of Appeals for the Fourth Circuit at Asheville, North Carolina during the calendar year 1985.

### **RELEASE OF CONFERENCE ACTION**

The Conference authorized the immediate release of matters considered at this session where necessary for legislative or administration action.

July 8, 1985

Warren E. Burger

Chief Justice  
of the United States



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