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

☆

**MARCH 24, 25, 1955
WASHINGTON, D. C.**

TITLE 28, UNITED STATES CODE, SECTION 331

§ 331. Judicial Conference of the United States.

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

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

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

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

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

TABLE OF CONTENTS

REPORT OF THE PROCEEDINGS OF A SPECIAL SESSION OF THE JUDICIAL CONFERENCE OF THE UNITED STATES, MARCH 24, 25, 1955

| | Page |
|--|------|
| Administrative Agencies: | |
| Conference on administrative procedure..... | 24 |
| Record on review of orders of..... | 16 |
| Uniform rules of procedure..... | 17 |
| Administrative Court, legislative proposal to create..... | 20 |
| Administrative Office, salary classification of heads of divisions..... | 10 |
| Air conditioning of court quarters, committee on..... | 20 |
| Appropriations—supplemental: | |
| Judges, salaries of..... | 15 |
| Referees, salaries and expenses..... | 14 |
| Bailiffs, employed to assist criers, fees of..... | 8 |
| Bankruptcy Administration: | |
| Committee on, report of..... | 10 |
| Increase in maximum salaries of referees..... | 14 |
| Notices, publication of..... | 15 |
| Receivers and Trustees, compensation of in Chapter XI cases..... | 14 |
| Salaries of referees and other arrangements..... | 11 |
| Supplemental appropriations..... | 14 |
| Trustees, compensation of..... | 14 |
| Canal Zone Government, transfer of court functions to the Administrative Office of the United States Courts..... | 20 |
| Conference, call of..... | 1 |
| Condemnation cases, method of trial..... | 21 |
| Court Administration: | |
| Comments of the survey of the legal profession..... | 6 |
| Committee on..... | 5 |
| Congested districts, survey of..... | 6 |
| District judges, representation on the Judicial Conference of the United States..... | 5 |
| Courts: | |
| Administrative Court, legislative proposal to create..... | 20 |
| Courts of Appeals: | |
| Additional judgeships..... | 2 |
| Disposition of old records..... | 19 |
| District of Columbia, additional personnel..... | 9 |
| Interlocutory relief, air carrier cases..... | 17 |
| Ninth Circuit, withdrawal of recommendation for judgeships..... | 2 |
| District Courts: | |
| Additional district and division disapproved..... | 4 |
| Additional judgeships..... | 2 |
| Cases and motions under advisement..... | 25 |
| Condemnation cases, method of trial..... | 21 |
| District of Columbia, transfer of cases to the Municipal Court..... | 23 |
| Jurisdiction of..... | 21 |
| Quarters and related facilities—air conditioning..... | 20 |
| Transfer of cases to the Court of Claims..... | 22 |

VI

| | Page |
|--|------|
| Courts—Continued | |
| Special Courts: | |
| Definition of as constitutional courts..... | 22 |
| Representation on the Judicial Conference of the United States..... | 5 |
| District of Columbia: | |
| Court of Appeals, additional personnel..... | 9 |
| District Court, transfer of cases to the Municipal Court..... | 23 |
| Disposition of old records, courts of appeals..... | 19 |
| Group life insurance, inclusion of retired clerks Dodd and Dean..... | 7 |
| Habeas Corpus, report of the committee on..... | 18 |
| Interstate Commerce Commission, review of orders of, report of committee on..... | 18 |
| Indigent litigants: | |
| Compensation of counsel for..... | 21 |
| Compensation of witnesses for..... | 8 |
| Judges: | |
| Disqualification for bias or prejudice..... | 16 |
| District judges, representation on the Judicial Conference..... | 5 |
| Failure to retire, appointment of an additional judge..... | 4 |
| Retired judges, designation as "Senior Judges"..... | 4 |
| Widows' pensions..... | 15 |
| Judgeships, additional..... | 2 |
| Jurisdiction and venue—jurisdictional amount..... | 21 |
| Mandatory minimum sentences in criminal cases..... | 23 |
| Probation, confinement in connection with..... | 24 |
| Probation officers, salaries and training of..... | 9 |
| Punishment for crime: | |
| Committee on..... | 23 |
| Contempt of court, civil and criminal..... | 23 |
| Mandatory minimum sentences in criminal cases..... | 23 |
| Quarters of the courts and related facilities—air conditioning..... | 20 |
| Retirement of judges, report of the committee on..... | 4 |
| Revision of the laws: | |
| Administrative agencies: | |
| Record on review of orders of..... | 16 |
| Uniform rules of procedure..... | 17 |
| Disqualification of a judge for bias or prejudice..... | 16 |
| Interlocutory relief, air carrier cases..... | 17 |
| Secretaries, retirement and salary classification of..... | 7 |
| Special courts: | |
| Definition of as constitutional courts..... | 22 |
| Representation on the Judicial Conference of the United States..... | 5 |
| Supporting Personnel: | |
| Committee on, report of..... | 6 |
| District of Columbia Court of Appeals, additional personnel..... | 9 |
| Bailiffs employed to assist criers, fees of..... | 8 |
| Group life insurance for retired clerks Dodd and Dean..... | 7 |
| Retirement, provisions applicable to..... | 7 |
| Salary increases and other allowances..... | 9 |
| Secretaries, retirement and salary classification of..... | 7 |
| Taft-Hartley Act, amendment of..... | 22 |
| Transfer of cases between the Court of Claims and the district courts..... | 22 |

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

Special Session—March 24, 25, 1955

The Judicial Conference of the United States convened in a special session upon call of the Chief Justice on March 24, 1955, and continued in session 2 days. The Chief Justice presided and members of the Conference were present as follows:

Circuit:

| | |
|---------------------------|---|
| District of Columbia..... | Circuit Judge Henry W. Edgerton. (Designated by the Chief Justice in place of Chief Judge Harold M. Stephens who was unable to attend.) |
| First..... | Chief Judge Calvert Magruder. |
| Second..... | Chief Judge Charles E. Clark. |
| Third..... | Chief Judge John Biggs, Jr. |
| Fourth..... | Chief Judge John J. Parker. |
| Fifth..... | Chief Judge Joseph C. Hutcheson. |
| Sixth..... | Chief Judge Charles C. Simons. |
| Seventh..... | Chief Judge F. Ryan Duffy. |
| Eighth..... | Chief Judge Archibald K. Gardner. |
| Ninth..... | Chief Judge William Denman. |
| Tenth..... | Chief Judge Orie L. Phillips. |

The Conference expressed its regret at the illness of Chief Judge Stephens, and its best wishes for his speedy recovery.

The Attorney General, Honorable Herbert Brownell, Jr., accompanied by the Deputy Attorney General, Honorable William P. Rogers, attended the afternoon session on the first day of the Conference.

The Chairman of the Committee on the Judiciary of the House of Representatives, Honorable Emanuel Celler, of New York, and Honorable Chauncey W. Reed, of Illinois, ranking minority member of the Committee, attended the morning session on the first day of the Conference.

Circuit Judges Albert B. Maris and E. Barrett Prettyman, Chief Judge Marvin Jones of the Court of Claims and Judges Sam E. Whitaker and Joseph W. Madden of that Court, and District

Judges Louis E. Goodman and Oliver D. Hamlin, Jr., attended some of the sessions.

Henry P. Chandler, director; Elmore Whitehurst, assistant director; Will Shafroth, chief, Division of Procedural Studies and Statistics; Edwin L. Covey, chief, Bankruptcy Division; Leland L. Tolman, chief, Division of Business Administration; and Louis J. Sharp, chief, Probation Division; and members of their respective staffs, all of the Administrative Office of the United States Courts, attended the sessions of the Conference.

ADDITIONAL JUDGESHIPS RECOMMENDED

The Conference was informed that the Judicial Council of the Ninth Circuit is now of the opinion that the business of the Court of Appeals for the Ninth Circuit can be handled without the appointment of additional circuit judges at this time. Accordingly the Conference voted to withdraw the recommendation heretofore made for the creation of three additional judgeships, two permanent and one temporary for that circuit.

Upon consideration of the state of the dockets and needs of the courts in the various circuits the Conference recommended the creation of the following additional judgeships not heretofore recommended by the Conference:

- 1 additional circuit judgeship for the Second Circuit.
- 1 additional district judgeship for the District of Connecticut.
- 1 additional district judgeship for the Middle District of Pennsylvania on a temporary basis.
- 1 additional district judgeship for the Northern District of Texas.
- 1 additional district judgeship for the Eastern District of Michigan.
- 1 additional district judgeship for the District of Arizona.
- 1 additional district judgeship for the District of Colorado.

The Conference confirmed its recommendation heretofore made upon a mail vote of one additional district judgeship for the Eastern District of New York.

A complete list of the present Judicial Conference recommendations with respect to judgeships including former recommendations not yet enacted, which the Conference voted to reaffirm, is as follows:

Courts of Appeals:

Second Judicial Circuit—The creation of one additional judgeship.

District Courts:

Second Judicial Circuit—District of Connecticut.—The creation of one additional judgeship.

Eastern District of New York.—The creation of one additional judgeship.

Southern District of New York.—The creation of three additional judgeships.

Third Judicial Circuit—Eastern District of Pennsylvania.—The creation of one additional judgeship.

Middle District of Pennsylvania.—The creation of one additional judgeship on a temporary basis.

Fourth Judicial Circuit—Eastern, Middle and Western Districts of North Carolina.—The creation of one additional judgeship.

Fifth Judicial Circuit—Southern District of Mississippi.—The creation of one additional judgeship.

Eastern District of Louisiana.—The creation of one additional judgeship.

Northern District of Texas.—The creation of one additional judgeship.

Sixth Judicial Circuit—Eastern District of Michigan.—The creation of one additional judgeship.

Northern District of Ohio.—The creation of one additional judgeship.

Eighth Judicial Circuit—Northern and Southern Districts of Iowa.—The creation of one additional judgeship.

Ninth Judicial Circuit—District of Alaska—Third Division.—The creation of one additional judgeship.

District of Arizona.—The creation of one additional judgeship.

Northern District of California.—The creation of one additional judgeship.

Tenth Judicial Circuit—District of Colorado.—The creation of one additional judgeship.

District of Kansas.—The creation of one additional judgeship.

DISAPPROVAL OF PROPOSED ADDITIONAL DISTRICT IN SOUTHERN CALIFORNIA AND ADDITIONAL DIVISION IN NORTHERN DISTRICT OF CALIFORNIA

The Conference concurred in a recommendation of the Judicial Council of the Ninth Circuit that pending bills to create a third judicial district in Southern California to be composed of Imperial and San Diego Counties (S. 927; H. R. 287; H. R. 493; H. R. 498; and H. R. 671) be not enacted.

Also the Conference concurred in a recommendation of the Judicial Council of the Ninth Circuit that pending bills to create a new division in the Northern District of California to be composed of Alameda and Contra Costa Counties (S. 864; H. J. Res. 126; H. J. Res. 160; and H. J. Res. 235) be not enacted.

APPOINTMENT OF AN ADDITIONAL JUDGE WHEN A DISABLED JUDGE FAILS TO RETIRE

The Conference reaffirmed its recommendation made at the April 1954 special session (Cf. Rep. p. 3) and again at the September 1954 session (Cf. Rep. p. 7) that the repealed statute which permitted the President to appoint an additional judge when a disabled judge eligible to retire failed to do so and the President found that such an appointment was necessary for the efficient dispatch of business, be amended in the form recommended by the Conference and reenacted. The recommendation of the Conference is embodied in H. R. 4792 which is pending before the Judiciary Committee of the House of Representatives.

PROPOSED DESIGNATION OF RETIRED JUDGES AS "SENIOR JUDGES"

The Committee on Retirement of Judges reported that in compliance with the direction of the Conference it had circulated among the judges for an expression of views the recommendations contained in its report submitted to the Conference at the September 1954 session (Cf. Rep. p. 8). These recommendations proposed that § 371 (b) of Title 28, United States Code, be amended so as to designate a judge taking advantage of the retirement provisions as a "senior judge" instead of a "retired judge" as at present and that a roster to be known as the "Roster of Senior Judges" be maintained by the Chief Justice of retired judges willing and able to undertake special judicial duties upon assignment by him when and as needed. The judges who replied to the request of the Com-

mittee for an expression of views almost unanimously favored the proposals. The Conference approved the report of the Committee and directed that the draft of bill prepared by it be recommended to Congress for enactment.

REPRESENTATION OF SPECIAL COURTS AND DISTRICT COURTS ON THE JUDICIAL CONFERENCE

The Conference approved a proposal that the Chief Justice be authorized to designate the Chief Judge of the Court of Claims or the Chief Judge of the Court of Customs and Patent Appeals to sit as an equal member of the Conference to represent the special courts and recommended that the budget estimates of those courts should be made subject to the approval of the Judicial Conference in the same way that the budget estimates for the Courts of Appeals and District Courts are now required by § 605 of Title 28, United States Code, to be so approved.

A bill now pending before the Senate Judiciary Committee (S. 977) would authorize judges of the Court of Claims to be designated by the Chief Justice to serve as circuit or district judges and authorize the Chief Judge of the Court of Claims to participate as a member of the Judicial Conference. This bill was approved in principle with amendments to carry out the recommendation of the Conference.

Judge Goodman submitted to the Conference a recommendation of the Judicial Conference of the Ninth Circuit that provision be made for representation of district judges on the Judicial Conference or that a committee be directed to consider the matter. The Conference referred this recommendation to the Committee hereinafter referred to which was authorized to be appointed by the Chief Justice to study the functioning of the district courts and courts of appeals, their supporting personnel and court administration.

COMMITTEE ON COURT ADMINISTRATION

The Conference discussed its serious concern over the inability of the courts in many districts as presently constituted, particularly in metropolitan areas, to keep up with the rising tide of judicial business and the consequent accumulation of arrearages and long delays to litigants in reaching trial. As pointed out in the report of the September 1954 session of the Conference, while the number of judgeships in the district courts has increased by

27 percent since 1941, during the same period there has been an increase of 55 percent in the number of all civil cases commenced annually, with an 80 percent increase in the number of new private civil cases which take much the largest part of the judges' time. The courts cannot control their intake, but must take the cases as they come to them. The Conference concluded that it should undertake a broad survey of the requirements of the courts with respect to manpower and administration properly to discharge their responsibilities in the light of present and prospective conditions. Accordingly, the following resolution was adopted:

Resolved, That a Committee of district and circuit judges be appointed to study the functioning of the District Courts and Courts of Appeals and their supporting personnel and their court administration.

In the discussion of this subject, concern was expressed over the fact that in some metropolitan districts where there are now long delays in reaching trial, the number of court sessions during the summer for the trial of civil cases is limited. This matter was referred to the above Committee for its consideration.

The Director brought to the attention of the Conference critical comments on the judicial councils and judicial conferences of the circuits in the Federal judicial system, contained in a memorandum prepared by Professor Maynard E. Pirsig of the Law School of the University of Minnesota, as a part of the Survey of the Legal Profession under the auspices of the American Bar Association. The matter was referred to the same Committee.

SUPPORTING PERSONNEL OF THE COURTS

Chief Judge Biggs, Chairman of the Committee on Supporting Personnel, submitted the report of that Committee.

The Committee had considered a resolution of the Judicial Conference of the Ninth Circuit proposing that legislation be enacted concerning the retirement of secretaries of federal judges similar to that enacted in relation to employees of the legislative branch by Public Law 303, approved March 6, 1954 (Cf. Rep. Sept. Sess. 1954, p. 9). It was of the opinion that secretaries of judges ought not to be treated with respect to retirement on a more advantageous basis than other employees of the judicial branch, but that all should be treated alike as to retirement privileges and benefits.

The Committee had considered and recommended the approval of S. 1153 of the 84th Congress which would amend the Civil Service Retirement Act so as to liberalize its provisions in a number of respects, including the computation of annuities on a basis of 2½ percent of highest average salary multiplied by years of service instead of 1½ percent as at present. The bill also contains provisions requiring mandatory retirements at age 70 after 15 years of service or at the conclusion of 15 years of service if then beyond the age of 70 subject to exemption by the President in individual cases, which would be applicable to employees in the judicial branch as well as to those in the executive branch. Under existing law these provisions are applicable to personnel in the executive branch but not in the judicial branch. The Committee expressed the view that such automatic separation would be in the best interests of efficient administration of the judicial establishment and did not recommend that judicial employees be excluded from this provision of the bill. The Conference approved the report of the Committee and recommended to Congress the enactment of S. 1153.

The Committee also reported that it had considered a recommendation made by the Judicial Conference of the Ninth Circuit that the grades in which secretaries to judges may be classified be enlarged from the present maximum of grade GS-8 so as to include grades GS-9 through GS-12 (Cf. Rep. Sept. Sess. 1954, pp. 9, 10). It desired to inform itself further as to the existing rates of pay of secretaries in law offices in representative localities of the United States and had requested the Administrative Office to make an investigation of the subject and report its findings to the Committee. Accordingly the Committee asked and was granted leave of the Conference to consider this matter further.

The Conference was informed that at the request of Chief Judge Hutcheson the Committee had considered the status under the Federal Employees' Group Life Insurance Act of 1954, Public Law 598 of the 83d Congress, approved August 17, 1954, of Mr. Oakley F. Dodd, the former clerk of the Court of Appeals for the Fifth Circuit. Mr. Dodd retired at the close of business on July 31, 1954, after more than fifty years of faithful service to the court approximately two weeks before the enactment of the law without knowing that legislation of this character was pending in Congress. Consequently he was excluded from the coverage of the Act. If he had been informed that the bill was pending in Congress and likely

to be enacted, he would have delayed his retirement with the entire approval of the court and received its benefits. The Committee was of the opinion that the only way by which this situation could be rectified would be by the passage of a private bill authorizing the extension to Mr. Dodd of the benefits of the insurance act.

Chief Judge Parker called the attention of the Conference to the fact that the clerk of the Court of Appeals for the Fourth Circuit, Mr. Claude M. Dean, who retired at the close of business June 30, 1954, also after service to the court of more than fifty years is in a similar situation to that of Mr. Dodd.

The Conference voted to recommend the passage of appropriate special legislation to extend the benefits of Public Law 598, 83d Congress, to Mr. Dodd and Mr. Dean and instructed the Administrative Office to transmit the recommendation to the Congress.

Another matter referred to the Committee at the September 1954 session of the Conference was a proposal by the Administrative Assistant Attorney General that the fees of bailiffs employed temporarily to assist criers in the district courts under § 755 of Title 28, United States Code, and the fees of witnesses for indigent litigants when payable by the Government be provided for in the appropriations for the courts instead of those for the Department of Justice as at present (Cf. Rep. p. 10). The Committee reported that it had reached the conclusion that it would be appropriate and administratively sound to transfer the power of employing bailiffs from the marshals to the district judges in whose courts they are to serve and to provide that bailiffs so employed be specifically vested with the powers of a deputy United States marshal in the performance of their duties. This will require amendment of Title 28, United States Code, and in the event of such an amendment the transfer of appropriations for the compensation of bailiffs from the Department of Justice to the court appropriations would follow automatically. The Committee recommended a draft of a bill to accomplish the purpose by amendments to §§ 604 and 755 of Title 28, United States Code. The recommendation of the Committee was approved by the Conference and the draft of bill directed to be transmitted to the Congress with a recommendation that it be enacted.

The Committee reported that representatives of the Department of Justice conferring with the Committee had not pressed the proposal with respect to the fees of witnesses for indigent litigants and

had stated that the occasion for it had passed. The Committee accordingly had given no further consideration to this proposal.

The Committee informed the Conference that it had considered a request by Chief Judge Stephens for authorization for additional personnel for the office of the clerk of the United States Court of Appeals for the District of Columbia Circuit which had been referred to it at the April 1954 session of the Conference (Cf. Rep. p. 8). It had heard Judge Danaher in support of the recommendations and had before it a report of the Administrative Office with respect to the needs of the court. The Committee recommended a modification of the request so as to authorize the addition of one deputy clerk in grade GS-8 to assume the duties of a courtroom deputy thereby releasing the present courtroom deputy for more important duties, and the establishment of a pool of three stenographers in grade GS-5 to fill the need for additional stenographic service for the circuit judges and the clerk's office.* The Conference approved the recommendation of the Committee.

A recommendation submitted by Chief Judge Duffy concerning the need for strengthening the Probation Service with regard to numbers and salaries of Probation Officers, and additional funds for the Federal Probation Service Training Center at Chicago, was referred to the Committee on Supporting Personnel for consideration and report to the Conference.

INCLUSION OF PERSONNEL OF THE COURTS IN PENDING LEGISLATION FOR PAY INCREASES, MAINTENANCE AND OTHER ALLOWANCES FOR GOVERNMENT EMPLOYEES GENERALLY

The Director reported to the Conference on steps which he has taken to assure the inclusion of the supporting personnel of the courts in pending legislation for pay increases on a parity with employees in the executive branch of the Government and a corresponding increase in the statutory ceiling upon the salaries of court reporters. The Conference approved the action taken by the Director in this connection.

The Conference was also informed by the Director of pending proposals to increase the allowances for travel and maintenance expenses, also the use of privately owned automobiles, incurred in

*Chief Judge Stephens, a member of the Committee, expressed no view with respect to the recommendation concerning additional personnel for the court of which he is Chief Judge, considering it proper that he should disqualify himself.

official travel and to relieve Government employees who are required to give fidelity bonds of the cost of the premiums of such bonds. The Conference is of the view that the supporting personnel of the courts should be included in any legislation of this character which may be enacted for the benefit of Government employees generally.

SALARIES OF CERTAIN OFFICERS IN THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

The Conference voted to go on record in favor of substantial increases in the salaries of the Director, Assistant Director and the four heads of divisions of the Administrative Office. It suggested salaries of \$22,500 for the Director, \$20,000 for the Assistant Director, and \$18,500 for the heads of each of the four divisions, namely the Division of Procedural Studies and Statistics, the Division of Business Administration, the Bankruptcy Division, and the Probation Division and referred the matter to the Committees on Supporting Personnel and Revision of the Laws to prepare and submit to Congress appropriate recommendations in this behalf for the Conference.

BANKRUPTCY ADMINISTRATION

Chief Judge Phillips, chairman of the Committee on Bankruptcy Administration, reported that the Committee had met and considered the recommendations contained in the report of the Bankruptcy Division of the Administrative Office which was approved by the Director on February 18, 1955, relating to the positions of referees in bankruptcy to become vacant by expiration of term on June 30, 1955, unless a later expiration date is noted, and changes in salaries and arrangements.

The report of February 18, 1955, was submitted by the Director to the members of the Judicial Conference and to the judicial councils and the district judges of the circuits and districts concerned, with the request that the district judges advise the judicial councils of their respective circuits of their views in respect to the recommendations for their districts, and that the chief judges of the circuits in turn inform the Administrative Office of the views of the judicial councils of their circuits. The Director's report together with the views expressed by the district judges and the circuit councils was considered by the Committee. The Conference had before it the Committee's report as well as the recommendations of the Director, the district judges and the judicial councils.

Upon the recommendation of the Committee the Conference took the action shown in the following table relating to positions to become vacant by expiration of term on June 30, 1955, unless otherwise noted, such action to be effective July 1, 1955, unless a later date is noted:

| District | Regular place of office | Present type of position | Present salary | Conference Action | | |
|-------------------------------------|-------------------------|--------------------------|----------------|------------------------|------------------|-------------------|
| | | | | Position | Type of position | Authorized salary |
| <i>District of Columbia Circuit</i> | | | | | | |
| District of Columbia | Washington | Part time | \$ 6,000 | Continued ¹ | Part time | \$6,000 |
| <i>1st Circuit</i> | | | | | | |
| Maine | Portland | Full time | \$10,000 | do | Full time | 11,250 |
| Massachusetts | Boston | do | \$12,500 | do | do | 12,500 |
| | do | Part time | \$ 6,000 | do | do | 12,500 |
| <i>2d Circuit</i> | | | | | | |
| Connecticut | Hartford | Full time | \$12,500 | do | do | 12,500 |
| New York (E) | Jamaica | do | do | do | do | 12,500 |
| New York (S) | New York | do | do | do | do | 12,500 |
| | Yonkers | Part time | \$ 4,000 | do | Part time | 5,000 |
| New York (W) | Buffalo | Full time | \$11,250 | do | Full time | 11,250 |
| Vermont | Rutland | Part time | \$ 1,800 | do | Part time | 2,400 |
| <i>3d Circuit</i> | | | | | | |
| New Jersey | Newark | Full time | \$12,500 | do | Full time | 12,500 |
| | Trenton | do | do | do | do | 12,500 |
| Pennsylvania (W) | Ebensburg | Part time | \$ 3,500 | do | Part time | 3,500 |
| <i>4th Circuit</i> | | | | | | |
| N. Carolina (M) | Greensboro | do | \$ 4,500 | do | do | 4,500 |
| Virginia (E) | Richmond | do | \$ 6,000 | do | Full time | 11,250 |
| W. Virginia (N) | Grafton | do | \$ 3,500 | do | Part time | 4,000 |
| <i>5th Circuit</i> | | | | | | |
| Alabama (N) | Birmingham | Full time | \$12,500 | do | Full time | 12,500 |
| Alabama (M) | Montgomery | do | \$ 8,000 | do | do | 8,000 |
| Alabama (S) | Mobile | do | \$10,000 | do | do | 10,000 |
| Georgia (N) | Rome | Part time | \$ 5,500 | do | Part time | 5,500 |
| | Gainesville | do | \$ 600 | do | do | 600 |
| Georgia (S) | Savannah | do | \$ 3,500 | do | do | 4,500 |
| Louisiana (E) | New Orleans | Full time | \$10,000 | do | Full time | 10,000 |
| Mississippi (S) | Jackson | Part time | \$ 4,000 | do | Part time | 4,000 |
| Texas (S) | Corpus Christi | do | \$ 3,000 | do | do | 3,000 |
| <i>6th Circuit</i> | | | | | | |
| Kentucky (E) | Lexington | do | \$ 5,500 | do | do | 6,000 |
| Michigan (W) | Grand Rapids | Full time | \$11,250 | do | Full time | 11,250 |
| Ohio (N) | Cleveland | do | \$12,500 | do | do | 12,500 |
| Ohio (S) | Dayton ² | Part time | \$ 6,000 | Continued ³ | Part time | 6,000 |
| Tennessee (M) | Nashville | Full time | \$ 9,000 | Continued ¹ | Full time | 10,000 |
| <i>7th Circuit</i> | | | | | | |
| Illinois (N) | Chicago | do | \$12,500 | do | do | 12,500 |
| | Joliet | Part time | \$ 3,500 | do | Part time | 4,000 |
| | Dixon | do | \$ 4,000 | do | do | 4,500 |
| Illinois (E) | Danville | do | \$ 6,000 | do | do | 6,000 |
| Illinois (S) | Springfield | do | \$ 6,000 | do | do | 6,000 |
| Indiana (N) | Fort Wayne | do | \$ 3,000 | do | do | 4,000 |
| Indiana (S) | Indianapolis | Full time | \$11,250 | do | Full time | 11,250 |

¹ The word "Continued" signifies an authorization for the filling of the vacancies for a term of 6 years beginning on the day following the expiration date of the present term at the authorized salary shown above.

² Present term expires Aug. 8, 1955.

³ Effective date Aug. 9, 1955.

| District | Regular place of office | Present type of position | Present salary | Conference Action | | |
|---------------------|-------------------------|--------------------------|----------------|------------------------|------------------|-------------------|
| | | | | Position | Type of position | Authorized salary |
| <i>8th Circuit</i> | | | | | | |
| Missouri (E)..... | St. Louis..... | Full time..... | \$11,250 | Continued ¹ | Full time..... | \$12,500 |
| Missouri (W)..... | Kansas City..... | do..... | do..... | do..... | do..... | 12,500 |
| <i>9th Circuit</i> | | | | | | |
| Arizona..... | Phoenix..... | Part time..... | \$ 6,000 | do..... | do..... | 11,250 |
| California (N)..... | San Francisco..... | Full time..... | \$12,500 | do..... | do..... | 12,500 |
| California (S)..... | San Diego..... | Part time..... | \$ 6,000 | do..... | Part time..... | 6,000 |
| Nevada..... | Reno ⁴ | do..... | \$ 4,000 | Continued ⁵ | do..... | 4,000 |
| Oregon..... | Corvallis..... | Full time..... | \$11,250 | Continued ¹ | Full time..... | 11,250 |
| Hawaii..... | Honolulu..... | Part time..... | \$ 4,000 | do..... | Part time..... | 4,000 |
| <i>10th Circuit</i> | | | | | | |
| Oklahoma (N)..... | Tulsa..... | do..... | \$ 6,000 | do..... | do..... | 6,000 |
| Oklahoma (W)..... | Oklahoma City..... | do..... | do..... | do..... | do..... | 6,000 |
| Wyoming..... | Cheyenne..... | do..... | \$ 3,000 | do..... | do..... | 3,000 |

¹ See footnote 1 *supra*.

⁴ Present term expires July 31, 1955.

⁵ Effective date Aug. 1, 1955.

Upon the recommendation of the Committee the Conference took the action shown in the following table relating to the changes in salaries and nature of positions, where no terms are expiring, to be effective July 1, 1955:

| District | Regular place of office | Present type of position | Present salary | Conference Action | |
|-----------------------|-------------------------|--------------------------|----------------|-------------------|-------------------|
| | | | | Type of position | Authorized salary |
| <i>1st Circuit</i> | | | | | |
| Puerto Rico..... | San Juan..... | Part time..... | \$3,500 | Part time..... | \$4,500 |
| <i>2d Circuit</i> | | | | | |
| Connecticut..... | Bridgeport..... | do..... | 6,000 | Full time..... | 12,500 |
| Vermont..... | Burlington..... | do..... | 1,800 | Part time..... | 3,000 |
| <i>3d Circuit</i> | | | | | |
| Pennsylvania (E)..... | Reading..... | do..... | 5,000 | do..... | 6,000 |
| <i>4th Circuit</i> | | | | | |
| Maryland..... | Baltimore..... | do..... | 5,000 | do..... | 6,000 |
| Virginia (W)..... | Lynchburg..... | do..... | 4,500 | do..... | 5,500 |
| <i>5th Circuit</i> | | | | | |
| Alabama (N)..... | Anniston..... | Full time..... | 10,000 | Full time..... | 12,500 |
| Georgia (N)..... | Atlanta..... | do..... | 10,000 | do..... | 12,500 |
| Georgia (S)..... | Waycross..... | Part time..... | 1,200 | Part time..... | 1,500 |
| Mississippi (N)..... | Oxford..... | do..... | 1,200 | do..... | 1,500 |
| Texas (W)..... | San Antonio..... | do..... | 4,000 | do..... | 6,000 |
| <i>6th Circuit</i> | | | | | |
| Michigan (W)..... | Marquette..... | do..... | 1,200 | do..... | 1,500 |
| <i>7th Circuit</i> | | | | | |
| Wisconsin (E)..... | Mantowoc..... | do..... | 4,000 | do..... | 5,000 |
| Wisconsin (W)..... | Madison..... | do..... | 4,000 | do..... | 5,000 |
| | Superior..... | do..... | 1,500 | do..... | 2,000 |
| <i>9th Circuit</i> | | | | | |
| California (S)..... | San Bernardino..... | do..... | 3,500 | do..... | 5,000 |

CHANGES IN ARRANGEMENTS

The following changes in arrangements for referees, to be effective July 1, 1955, were recommended by the Committee and approved by the Conference.

Second Circuit:

District of Connecticut.—That the referees at Hartford and Bridgeport be given joint and concurrent jurisdiction throughout the district.

District of Vermont.—That Addison County be transferred from the territory of the Referee at Rutland to the territory of the Referee at Burlington, and that Washington County be transferred from the territory of the Burlington Referee to the territory of the Rutland Referee.

Fifth Circuit:

Northern District of Alabama.—That an additional part-time referee position be created at Tuscaloosa to serve the Western Division of the District comprising the counties of Bibb, Green, Pickens, Sumter and Tuscaloosa and in addition the counties of Fayette and Lamar in the Jasper Division; the official headquarters of the new referee to be at Tuscaloosa with Tuscaloosa designated as his regular place of holding court; and that the salary of this new position be fixed at \$4,000 per annum.

That the above-mentioned counties be eliminated from the territory of the Birmingham referees, and that Tuscaloosa be eliminated as a place of holding court for the Birmingham referees.

Seventh Circuit:

Northern District of Indiana.—That the territory of the Referee at Gary be changed to include the Hammond Division only and that the territory of the Referee at Fort Wayne be changed to include the Fort Wayne and South Bend Divisions.

That South Bend be eliminated as a place of holding court for the Referee at Gary and added as a place of holding court for the Referee at Fort Wayne.

Eighth Circuit:

District of Nebraska.—That Hastings, McCook, Chadron and Norfolk be discontinued as designated places of holding bankruptcy court.

Ninth Circuit:

Southern District of California.—That two additional full-time positions be provided at Los Angeles at salaries of \$12,500 a year to serve the Central Division of the District, except San Bernardino and Riverside Counties.

The Committee recommended and the Conference authorized the Director to seek at the first opportunity a supplemental appropriation for 1956 for referees' salaries in an amount sufficient to defray the cost of the above changes in salaries and arrangements approved by the Conference.

Chief Judge Phillips brought to the attention of the Conference a bill (H. R. 4791) to amend Section 40a of the Bankruptcy Act so as to raise the maximum salaries for full-time referees from the present amount of \$12,500 to \$17,500 a year and for part-time referees from the present amount of \$6,000 to \$9,000 a year, the determination of the precise amount of the salaries of both full-time and part-time referees to remain in the Judicial Conference as at present. He reported that after discussion and consideration, the Committee remained divided as to the maximum amount to be provided for full-time and part-time referees. The Conference recommended that Section 40a of the Bankruptcy Act be amended so as to authorize maximum salaries to be fixed by the Conference of \$15,000 and \$7,500 a year for full-time and part-time referees, respectively.

The Committee recommended that the Conference reaffirm its action taken at the September 1954 meeting of the Judicial Conference recommending that the following maximum rates of compensation for trustees be provided by amendment of Section 48c (1) of the Bankruptcy Act, to wit:

- 10 percent on the first \$500;
- 6 percent on the next \$1,000;
- 3 percent on the next \$8,500;
- 2 percent on the next \$15,000;
- 1 percent on all above \$25,000;
- together with an increase in the discretionary allowance from \$100 as now provided in such subsection to the sum of \$150.

The Conference approved the Committee's recommendation.

The Committee brought to the attention of the Conference a bill, H. R. 1568, 84th Congress, which would amend the Bankruptcy Act to provide that receivers and trustees in proceedings under Chapter XI (arrangements) should be compensated on the same

basis as those in proceedings under Chapter X (corporate reorganizations) and pointed out that the Bankruptcy Act at present provides that the judge or referee may fix the compensation for such services at an amount not in excess of the compensation allowable to a receiver under the Bankruptcy Act. The Committee recommended that H. R. 1568, 84th Congress, be disapproved and the Conference agreed, thereby reaffirming its previous action with regard to an identical bill, H. R. 4400, introduced in the 83d Congress.

The Committee brought to the attention of the Conference a bill, H. R. 4561, 84th Congress, to amend Section 28 of the Bankruptcy Act relating to the designation of newspapers for the publication of bankruptcy notices. This bill would permit the designation of newspapers published in the *city or county* in which the bankrupt resides for the publication of bankruptcy notices. (New language is italicized.) The Committee recommended the approval of this bill and the Conference agreed.

The Committee reported that district judges and referees are finding it very difficult to interpret and apply Section 60 of the Bankruptcy Act and related sections. The Conference authorized the Committee to study these sections with a view to proposing legislation to clarify their meaning.

APPROPRIATIONS

The Director informed the Conference that in the Second Supplemental Appropriation Bill, 1955, as reported by the House Appropriations Committee additional funds for salaries of judges, salaries of supporting personnel, and travel and miscellaneous expenses were included based on service during the current fiscal year of 20 of the 30 additional judges authorized by Public Law 294 of the 83d Congress, and that the Committee had given leave for an application for additional funds to be made if more than that number of judges should be appointed. He requested and was given authority to submit to the Congress an estimate to defray the added costs during 1955 and 1956 of judges' salaries in view of the enactment of Public Law 9 of the present Congress.

ANNUITIES FOR WIDOWS AND DEPENDENT CHILDREN OF JUDGES

The Conference recommended to the Congress the enactment of legislation to authorize provision for payment of annuities on a contributory basis to widows and dependent children of judges

comparable to the provisions made under existing law for annuities to widows and dependent children of Members of Congress.

COMMITTEE ON REVISION OF THE LAWS

Judge Maris, Chairman of the Committee on Revision of the Laws, submitted a report on behalf of the Committee.

DISQUALIFICATION OF JUDGE FOR BIAS OR PREJUDICE

At the September 1954 session of the Conference, the bill, S. 3517, of the 83d Congress, relating to disqualification of a judge for bias or prejudice was referred to the Committee for consideration and also for circulation among the judges for an expression of views (Cf. Rep. p. 28). In November the Committee made a report in which it expressed the view that the bill is unwise and its enactment would not be in the public interest. This report was circulated among the judges, and replies were received from 19 circuit judges and 87 district judges, all of whom were in agreement with the views of the Committee. The proposed legislation has been re-introduced in the present Congress as S. 447. The recommendation of the Committee was adopted, and the Conference recommended against the enactment of S. 447.

RECORD ON REVIEW OF ORDERS OF ADMINISTRATIVE AGENCIES

At the April 1954 special session, the Conference approved the draft of a proposed bill submitted by the Committee dealing with the record on review of orders of administrative agencies and its abbreviation (Cf. Rep. pp. 17, 18). However, the Committee reported that subsequent conferences with the Committee on Judicial Review of the President's Conference on Administrative Procedure, and with counsel for the Federal Power Commission, and also the enactment of two statutes at the last session of Congress, indicated the need of some modifications of the draft bill. The Committee accordingly had prepared a revised draft which was annexed to its report and which it recommended.

The Conference approved the revised draft for recommendation to Congress for enactment. Besides editorial changes, the following are the principal changes in the revised draft: The words "in its judgment" (referring to the agency) are added to the provision that when review proceedings have been instituted in two or more courts with respect to the same order the agency "shall file the

record in that one of such courts in which the proceedings may be carried on with the greatest convenience to all the parties involved" and "other courts in which such proceedings are pending shall thereupon transfer them to the court of appeals in which the record has been filed." This is for the purpose of avoiding dilatory litigation as to the balance of convenience of the parties, by making clear that the choice of forum by the agency should not be reviewable except possibly for a clear abuse of discretion. Amendments to the Federal Power Act and the Natural Gas Act are included to make clear that the Federal Power Commission will continue to have authority to modify or revoke its orders made under those acts after petitions for review have been filed but before the record has been filed in court. Under the bill the court of appeals is to have jurisdiction from the time of filing the petition and it was considered that without such a saving provision the present authority of the commission to deal with an order in the interim between the filing of the petition and the record might be doubtful. A new section was added concerning a recent amendment to the Federal Food Drug and Cosmetic Act relating to pesticide chemicals, and a section dealing with the Atomic Energy Act of 1946 was eliminated since that Act has now been superseded by the Atomic Energy Act of 1954 under which judicial review of orders of the Atomic Energy Commission is had under the provisions of the Hobbs Act of December 29, 1950.

A recommendation by the Judicial Council of the District of Columbia Circuit that section 646 (d) of Title 49 of the United States Code relating to Air Carriers, and the Hobbs Act approved December 29, 1950 (64 Stat. 1129, 1131) be amended so as to eliminate the requirement that 5 days' notice be given before interlocutory relief may be granted was referred to the Committee at the April 1954 session of the Conference (Cf. Rep. p. 19). The Committee reported that it was of the view that the purpose could best be accomplished by the substitution of a requirement for "reasonable notice" in lieu of the fixed provision for 5 days' notice, and submitted the draft of a bill to this end. The Conference approved the report and voted to recommend the proposed bill to Congress for enactment.

A bill (S. 489) entitled "A Bill To provide general rules of practice and procedure before federal agencies" introduced in the present Congress was referred to the Committee for consideration.

COMMITTEE ON HABEAS CORPUS

Chief Judge Parker, Chairman of the Committee on Habeas Corpus, reported that pursuant to the direction of the Conference at the September 1954 session (Cf. Rep. pp. 22, 23) the report of the Committee made to that session, together with a copy of the amendment which it proposed to § 2254 of Title 28, United States Code, relating to applications for habeas corpus by persons imprisoned under sentences of State courts had been circulated among the circuit and district judges for an expression of views. A large number of judges replied expressing unqualified approval of the proposed amendment. Only one judge expressed disapproval of the entire proposal and one expressed doubt as to the second paragraph. The Conference approved the report of the Committee and directed that the draft of bill be recommended to the Congress for enactment.

REPORT OF THE COMMITTEE ON REVIEW OF ORDERS OF THE INTER-STATE COMMERCE COMMISSION AND CERTAIN OTHER ADMINISTRATIVE ORDERS

Chief Judge Phillips, Chairman, made a report of the Committee on Review of Orders of the Interstate Commerce Commission and Certain Other Administrative Orders on a proposed amendment of rules governing the review of enforcement of orders of administrative agencies, boards, commissions and officers.

Title 5, United States Code, § 1041, which was based on a draft bill approved by the Judicial Conference, provides:

“The several courts of appeals shall adopt and promulgate rules governing the practice and procedure, including prehearing conference procedure, in proceedings to review orders under this chapter: *Provided*, however, That such rules shall be approved by the Judicial Conference of the United States.”

Rules based upon a recommendation of the Committee have now been adopted by the several courts of appeals pursuant to this provision. The Committee recommended an amendment to the rules in alternative forms for the purpose of alleviating the burden now imposed by certain statutes dealing with enforcement and review of administrative orders which provide that the entire record before the agency shall be filed in the reviewing court. This is sometimes a burdensome requirement because of the size and character

of the records made before administrative agencies. Under the proposed amendment, the agency in lieu of actually transmitting the entire transcript to the clerk of the court of appeals would file with the clerk a certified list of all the documents, transcripts, and other material comprising the record which would be held by the custodian subject to the orders of the clerk of the court of appeals to be transmitted in whole or part to him when and if required by the court for its use in the review proceeding. The filing of a certified list of the material in the record and the holding of such material for and subject to the directions of the clerk would be deemed to be the full equivalent of the filing of the entire transcript of the record in the court. In circuits in which the appendix system is not used, and the portions of the record designated by the parties are printed by the court of appeals under the supervision of the clerk, it will be necessary for the clerk actually to have in his possession the parts of the record which are to be printed and in its alternative form the amendment provides for the delivery of those parts to him.

The Conference directed that the report of the Committee be circulated among the chief judges of the courts of appeals for consideration and such action as their courts consider appropriate. Also a motion was made and agreed to that the Conference approve any rule heretofore adopted or which may hereafter be adopted by any of the courts of appeals in either of the two alternative forms recommended by the Committee and included in its report, including a rule submitted for approval by the Court of Appeals of the Third Circuit at this session.

DISPOSITION OF OLD RECORDS OF COURTS OF APPEALS NOT OF PERMANENT VALUE

The Committee appointed at the April 1954 session to consider a proposed schedule for the disposal of noncurrent records of the courts of appeals (Cf. Rep. p. 16) which made an interim report at the September 1954 session (Cf. Rep. p. 32) submitted its final report. Pursuant to suggestions made by the Committee, the Administrator of General Services prepared a revised disposal schedule which the Committee approved. The Committee recommended that the Judicial Conference consent to the submission of the revised schedule to the Congress pursuant to Title 44, United States Code, §§ 366-380. It was pointed out that the schedule will merely authorize the destruction of the listed records but is not mandatory.

The report of the Committee was approved and the Committee discharged with the thanks of the Conference.

AIR CONDITIONING OF COURT QUARTERS

Chief Judge Parker, Chairman of the Committee on Air Conditioning of Court Quarters, which was authorized to be appointed at the September 1954 session of the Conference (Cf. Rep. p. 30) informed the Conference that he had sent a letter to all circuit and district judges asking for information with regard to the need for air conditioning in their respective circuits and districts. He had asked each judge to send a copy of his reply to the chief judge of his circuit as the Committee was asking the Judicial Council of each circuit to pass upon the needs of the circuit and indicate the places of greatest need for the information of the Committee. He requested the members of the Conference to furnish the Committee the reports of their Councils before the date of the Committee meeting which is scheduled for May 16.

The members of this Committee appointed by the Chief Justice are as follows: Chief Judge John J. Parker, Chairman, Circuit Judge Elbert Parr Tuttle, and District Judges Marion S. Boyd, Roy W. Harper, and Casper Platt.

DISAPPROVAL OF PROPOSED ADMINISTRATIVE COURT

The attention of the Conference was called to S. 488 entitled "A Bill To improve the administration of justice by the creation of an Administrative Court of the United States" which is pending before the Senate Committee on the Judiciary. This bill is similar to a proposal introduced in the 81st Congress which the Conference after careful consideration by a committee disapproved at the September 1949 session (Cf. Rep. p. 20). The Conference voted to recommend against the enactment of S. 488.

PROPOSAL OF THE CANAL ZONE GOVERNMENT TO BE RELIEVED OF FUNCTIONS IN RELATION TO THE DISTRICT COURT FOR THE CANAL ZONE AND TO ABOLISH CERTAIN RIGHTS AND PRIVILEGES OF PERSONNEL OF THE COURT

The Director informed the Conference of a proposal by the Canal Zone Government of legislation which would transfer to the Administrative Office of the United States Courts the respon-

sibility for various facilities now provided by that Government for the United States District Court for the District of the Canal Zone and its personnel and would terminate certain privileges now enjoyed by the personnel of the court in common with personnel of the Canal Zone Government. The proposal was disapproved by the Conference.

INDIGENT LITIGANTS

The Director informed the Conference that hearings had been scheduled before a Subcommittee of the Judiciary Committee of the House of Representatives on proposed legislation recommended by the Conference to provide for the appointment of public defenders by district courts which desired or in the alternative the allowance of compensation to counsel appointed to represent poor persons accused of crime in individual cases under specified conditions (Cf. Rep. Sept. sess. 1954, p. 31). He stated that counsel for the Subcommittee before which the hearing would be held, had suggested an amendment by way of addition to the bill to make clear that the measure would not impair the present power of the courts to appoint counsel for poor persons on a voluntary basis.

The Conference renewed its approval of the type of legislation previously recommended and indicated that it would concur in the suggested amendment.

JURISDICTION OF THE DISTRICT COURTS

The attention of the Conference was called to bills (H. R. 91, H. R. 5007) introduced in the present Congress affecting the jurisdictional amount in Federal question and diversity of citizenship cases. The Conference reaffirmed its recommendation (Cf. Rep. Sept. 1952 sess. p. 15) that legislation be enacted to amend §§ 1331 and 1332 of Title 28, United States Code, so as to fix the jurisdictional amount in Federal question and diversity of citizenship cases at \$10,000, and further to amend § 1332 so as to provide that in cases based upon diversity of citizenship a corporation shall be deemed to be a citizen both of the State of its creation and the State in which it has its principal place of business.

JURY TRIAL IN CONDEMNATION CASES

Bills (H. R. 4732, H. R. 4777) have been reintroduced in the present Congress to provide that notwithstanding subdivision (h)

of Rule 71A of the Federal Rules of Civil Procedure the defendant in a condemnation case may have a jury trial of the issue of just compensation by filing a demand therefor. The Conference after the appointment of a committee and careful consideration of its report has several times expressed its view that legislation of this character ought not be enacted (Cf. Rep. March 1952 sess. pp. 7-8; Sept. 1952 sess. p. 15; April 1954 sess. p. 15). The Conference again expressed the opinion that the present procedure in condemnation proceedings prescribed by Rule 71A (h) should be permitted to continue and disapproved the pending bills.

TRANSFER OF CASES BY THE DISTRICT COURTS AND THE COURT OF CLAIMS

The Conference reaffirmed its endorsement of the legislation contained in H. R. 668 of the present Congress entitled "A Bill To amend title 28 of the United States Code to provide for transfer of cases between the district courts and the Court of Claims" which is identical with H. R. 9346 of the 83d Congress approved by the Conference at the September 1954 session (Cf. Rep. p. 33).

STATUS OF COURT OF CUSTOMS AND PATENT APPEALS AND CUSTOMS COURT

Upon consideration of a report of the Committee on Revision of the Laws the Conference at the September 1954 session (Cf. Rep. pp. 27-28) expressing no view with regard to their constitutionality, approved bills introduced in the 83d Congress which would declare the Court of Customs and Patent Appeals and the Customs Court to be established under Article III of the Constitution and provide for the temporary assignment of judges from other courts to those courts and from those courts to other courts. Similar bills with reference to the Customs Court have been introduced in the present Congress as S. 584 and H. R. 4940. The Conference reaffirmed the position taken at the September 1954 session with regard to this proposed legislation.

PROPOSED AMENDMENT TO THE TAFT-HARTLEY ACT

At the September 1954 session, the Conference went on record in opposition to a proposal that the Taft-Hartley Act be amended so as to provide that complaints of unfair labor practices be prose-

cuted directly in the United States District Courts by the complainant or the United States attorney instead of being handled as they now are by examiners of the National Labor Relations Board (Cf. Rep. p. 33). This proposal is contained in a bill (H. R. 5087) introduced in the present Congress. The Conference renewed its opposition to the proposed legislation.

PROPOSAL TO INCREASE FROM \$1,000 TO \$3,000 THE MAXIMUM AMOUNT INVOLVED IN CASES ELIGIBLE FOR TRANSFER FROM THE DISTRICT COURT TO THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA

The Judicial Conference of the District of Columbia Circuit favors the enactment of legislation to amend the first sentence of paragraph (a) of Section 756 of Title 11 of the District of Columbia Code, 1951 ed. (paragraph (a) of Section 5 of the Act of April 1, 1942, c. 207, 56 Stat. 193), so as to raise the maximum amount involved in cases eligible for transfer from the District Court to the Municipal Court of the District of Columbia from \$1,000 to \$3,000.

It is believed that the enactment of legislation of this character would relieve the burden of the United States District Court by permitting the transfer to the Municipal Court for the District of Columbia of a substantial volume of cases for the recovery of money involving relatively small amounts. The Conference endorsed the recommendation.

COMMITTEE ON PUNISHMENT FOR CRIME

The following additional matters were referred to the Committee on Punishment for Crime which was authorized to be reconstituted at the September 1954 session (Cf. Rep. p. 29) for the purpose of considering proposals that criminal sentences be made reviewable on appeal with power in the appellate court to increase or decrease the punishment and that the right to bail for defendants charged with crimes of a subversive nature be restricted:

1. At the instance of the Judicial Conference of the Ninth Circuit the subject of the need or lack of it of additional legislation by Congress or, by amendment of the rules, on the matter of civil and criminal contempt.

2. Bills introduced in the present Congress to provide for mandatory penalties in criminal cases.

COMMITTEE ON CIVIL DISABILITIES

Chief Judge Phillips, Chairman of the Committee on Civil Disabilities, submitted a report for the Committee consisting of himself and Chief Judge Biggs, on a recommendation of the Judicial Conference of the Ninth Circuit (Cf. Rep. Sept. sess. 1954, p. 29), that the probation law be amended so as to permit confinement in jail-type institutions or treatment institutions for a period not exceeding 6 months in connection with the grant of probation on a 1-count indictment. The Committee was of the opinion that the objective sought to be attained could be accomplished by amending Title 18, United States Code, § 3651 by adding a paragraph after the first paragraph of that section reading as follows:

“Upon entering a judgment of conviction of any offense not punishable by death or life imprisonment, if the maximum punishment provided for such offense is more than six months, any court having jurisdiction to try offenses against the United States, except in the District of Columbia, when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may impose a sentence in excess of six months and provide that the defendant be confined in a jail-type institution or a treatment institution for a period not exceeding six months and that the execution of the remainder of the sentence be suspended and the defendant placed on probation for such period and upon such terms and conditions as the court deems best.”

The Conference directed that the report of the Committee be circulated among the circuit and district judges for an expression of views.

CONFERENCE ON ADMINISTRATIVE PROCEDURE

Judge Prettyman, Chairman of the Conference on Administrative Procedure called by the President of the United States upon the recommendation of the Judicial Conference (Cf. Rep. Sept. 1951 sess., pp. 25-26) reported that the Conference had submitted its report to the President and commented upon some of the principal recommendations. The Chief Justice expressed the commendation of the Judicial Conference for the valuable service of Judge Prettyman as Chairman of the President's Conference.

CASES AND MOTIONS UNDER ADVISEMENT

The Administrative Office submitted a report to the Conference listing, by judge, 25 cases and motions which had been held under advisement more than 6 months on March 15, 1955. Where necessary, these will be brought to the attention of the circuit council by the chief judge of the circuit.

The Conference declared a recess, subject to the call of the Chief Justice.

For the Judicial Conference of the United States.

EARL WARREN,
Chief Justice.

Dated Washington, D. C., June 18, 1955.