REPORT
OF THE PROCEEDINGS
OF THE
REGULAR ANNUAL MEETING
OF THE
JUDICIAL CONFERENCE OF THE
UNITED STATES

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SEPTEMBER 18–20, 1957

WASHINGTON, D. C.

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

§ 331. Judicial Conference of the United States

The Chief Justice of the United States shall summon annually the chief judge of each judicial circuit, the chief judge of the Court of Claims and a district judge from each judicial circuit to a conference at such time and place in the United States as he may designate. He shall preside at such conference which shall be known as the Judicial Conference of the United States. Special sessions of the conference may be called by the Chief Justice at such times and places as he may designate.

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

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

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

The 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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*As amended by the Act of August 28, 1957.

TABLE OF CONTENTS

REPORT OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES, SEPTEMBER SESSION, 1957

20011 O—58—H. Doc. 297, 85-2——2

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

The Judicial Conference of the United States convened on September 18, 1957, pursuant to the call of the Chief Justice of the United States issued under 28 United States Code 331, and continued in session on September 19 and 20. The Chief Justice presided and members of the Conference were present as follows:

District of Columbia Circuit	Chief Judge Henry W. Edgerton
First Circuit	Chief Judge Calvert Magruder
Second Circuit	Chief Judge Charles E. Clark
Third Circuit	Chief Judge John Biggs, Jr. District Judge Phillip Forman
Fourth Circuit	Chief Judge John J. Parker
Fifth Circuit	Chief Judge Joseph C. Hutcheson
Sixth Circuit	Circuit Judge Florence E. Allen (Designated by the Chief Justice in place of Chief Judge Simons, who was unable to attend)
Seventh Circuit	Chief Judge F. Ryan Duffy
Eighth Circuit	Circuit Judge Harvey M. Johnsen (Designated by the Chief Justice in place of Chief Judge Gardner, who was unable to attend)
Ninth Circuit	Chief Judge Albert Lee Stephens
Tenth Circuit	Chief Judge Sam G. Bratton
Court of Claims	Judge Sam E. Whitaker (Designated by the Chief Justice in place of Chief Judge Jones, who was unable to attend)

The Conference welcomed the new Chief Judge of the Ninth Circuit, Honorable Albert Lee Stephens, succeeding Chief Judge William Denman who retired on July 3, 1957. The Conference adopted the following resolution:

> This Conference learns with regret of the retirement of Chief Judge William Denman as a United States Circuit Judge in active service. As Judge Denman has been a valued member of this Conference for the past nine years, we shall miss his helpful advice and suggestions.

Judge Denman entered on his duties as a United States Circuit Judge on March 11, 1935. He became Chief Judge of his circuit on August 12, 1948. The work of this Conference at all times commanded his intense interest. We take note of his important contribution to the work of this Conference. We recall his great energy and zeal in his efforts to adequately staff the Court of Appeals and the district courts in his circuit.

We congratulate Judge Denman on his long and faithful service as a member of the federal judiciary. We express the hope that Judge Denman may enjoy good health and happiness for many years to come.

The Conference also welcomed District Judge Phillip Forman who was the first district judge to attend as a member of the Conference under the Act of August 28, 1957, providing for the membership on the Judicial Conference of the United States of a district judge from each judicial circuit. No district judges from the other circuits were in attendance as members of the Conference, since none had been elected for such attendance under the new law. However, District Judges Bolitha J. Laws (District of Columbia Circuit), J. Joseph Smith (Second Circuit), Roszel C. Thomsen (Fourth Circuit), Paul Jones (Sixth Circuit), Gunnar H. Nordbye (Eighth Circuit) and Louis E. Goodman (Ninth Circuit) attended the sessions of the Conference, by invitation of the Chief Justice and designation of their respective Chief Judges, as members of a Committee on the Participation of the District Judges in the Judicial Conference of the United States.

The Conference sadly took note of the death on July 17, 1957 of the Honorable D. Lawrence Groner, and adopted the following resolution:

The Conference has heard with profound regret of the death of Chief Justice D. Lawrence Groner, who departed this life on July 17, 1957 after a lengthy illness and after having lived in retirement for a number of years since relinquishing the office of Chief Justice of the Court of Appeals of the District of Columbia which he had filled for many years with great distinction. Judge Groner served as United States District Judge for the Eastern District of Virginia from 1921 to 1931 and made an outstanding record in that office as a

trial judge. He was appointed to the Court of Appeals of the District of Columbia in 1931 by President Hoover and a few years later was appointed Chief Justice of that Court by President Roosevelt. It is largely through his efforts that the courts of the District of Columbia were given status as courts under Article III of the Constitution and not as mere statutory courts. He won recognition throughout the country as one of the ablest of our appellate judges. He took great interest in the work of this Conference serving on many of its most important committees and bringing to its discussion the ripe wisdom born of years of study and of judicial service. He was a man of sterling integrity, great industry, profound learning and sound common sense. He made a great contribution to the life of his times; and the members of this Conference with which he worked so long, so well and so faithfully are grieved that he is no longer with us.

The Attorney General, Honorable Herbert Brownell, Jr., accompanied by the Deputy Attorney General, William P. Rogers, and the Solicitor General, J. Lee Rankin, attended the morning session of the first day of the Conference.

The Chairman of the Committee on Appropriations of the United States Senate, Honorable Carl Hayden, attended the morning session of the second day of the Conference and addressed the Conference briefly.

Circuit Judges Orie L. Phillips, Albert B. Maris, and Alfred P. Murrah and District Judge Harry E. Watkins attended all or some of the sessions.

Mr. William R. Foley, counsel of the Committee on the Judiciary of the House of Representatives, attended the sessions of the Conference.

William L. Ellis, Acting Director; Will Shafroth, Chief, Division of Procedural Studies and Statistics; Edwin L. Covey, Chief, Bankruptcy Division; 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.

REPORT OF THE ATTORNEY GENERAL

The Attorney General presented a report to the Conference, which appears in the appendix.

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

Pursuant to 28 U. S. C. 604 (a) (3), the Acting Director had previously submitted to the members of the Conference the eighteenth annual report of the Administrative Office, covering the fiscal year ended June 30, 1957. The Conference approved the immediate release of the report for publication and authorized the Acting Director to revise and supplement it in the final printed edition to be issued later.

BUSINESS OF THE COURTS

State of the dockets of the Federal courts—Courts of appeals.—The number of cases filed in the courts of appeals in the fiscal year 1957 continued the upward trend of the last 10 years by increasing 3 percent over 1956, to reach a new high of 3,701. A few less cases were terminated, 3,687, and pending cases increased slightly to 2,043. Cases begun in the Second, Fifth, and Sixth Circuits increased between 15 and 20 percent and there was a 9 percent increase in cases filed in the Ninth Circuit. The number of cases terminated exceeded the number filed in every circuit except the Second, Fourth, Fifth and Sixth Circuits.

The median time interval from filing of the complete record to final disposition of cases terminated in the courts of appeals, after hearing or submission, in 1957 decreased slightly to 7.1 months compared with 7.4 months in 1956 and 7.3 months in 1955. The time interval for each circuit varied widely from a median of 3.8 months for the Fourth Circuit to 10.4 months for the Ninth Circuit, which had the longest median, but which reduced that median more than 3 months over 1956.

District courts.—Generally the work load of the district courts in the First to Tenth Circuits, inclusive, increased substantially in the fiscal year 1957. This was particularly true in the difficult and time-consuming private civil cases, which on the average take much more of the time of the judge per case than do actions to which the United States is a party. Excluding the District of Columbia (where there was a large decrease in civil cases filed because of a new statute giving the Municipal Court of the District sole jurisdiction over domestic relations cases filed after its effective date), private civil cases filed in the district courts increased 3,400, or more than 10 percent over 1956, and private civil cases pending were up 2,300. Civil cases commenced in all district courts

decreased 14 cases to 62,380 compared with 62,394 in 1956. There were 63,568 civil cases terminated, or almost 1,200 more than the number filed, and pending civil cases decreased to 62,338.

The median time interval from filing to disposition of civil cases terminated in which a trial was held dipped for the first time in 5 years and was 14.2 months in 1957 compared with 15.4 months in 1956. Likewise the median time interval from issue to trial decreased from 10.3 months to 9.0 months. In 7 districts at least half of the cases terminated after trial in 1957 were reached for trial within 6 months of filing, which is the desirable goal fixed by the Judicial Conference.

The Southern District of New York, which reduced its pending load of civil cases in 1956 by 2,129 cases, had a net addition to the dockets of 364 cases in 1957, but made a further substantial reduction of its calendar of ready cases from 1,800 to 821.

The criminal business of the district courts, excluding immigration cases brought mainly in the 5 districts bordering on Mexico, has remained relatively stable since 1948. There were 28,120 criminal cases begun in the fiscal year 1957 including 2,302 immigration cases, 27,929 cases were terminated, and at the end of the fiscal year 7,495 cases remained, 20 per cent of which could not be tried because defendants were not in custody.

Bankruptcy cases begun went up sharply from 62,086 in 1956 to 73,761, the highest number on record of cases filed in a single year. The increase over 1956 was 11,675 cases. While the cases disposed of increased by 6,352 over the previous year to 64,666, they were 9,095 short of the number filed and the pending caseload climbed to 68,459. The increases in the last year were mainly in straight bankruptcy proceedings involving wage-earning employees.

ADDITIONAL JUDGESHIPS RECOMMENDED

The Conference discussed the state of the business of the courts in the various circuits and in the Court of Claims and reviewed the need for additional judicial assistance. After considering the views of the respective Chief Judges and those of the Committees on Judicial Statistics and Court Administration, the Conference recommended the creation of one additional circuit judgeship for the Court of Appeals for the Fifth Circuit, and one additional district judgeship for the Middle District of Tennessee with the proviso that the first vacancy occurring thereafter should not be filled.

20011 O—58—II. Doc. 297, 85-2——3

The Conference, after reviewing its recommendation previously made (Conf. Rept. Apr., 1954, p. 2; Sept., 1956, p. 5), for the creation of one additional district judgeship for the Eastern District of Louisiana and one roving judgeship for the Eastern and Western Districts of Louisiana, voted to change that recommendation to two additional district judgeships for the Eastern District of Louisiana and one additional district judgeship for the Western District of Louisiana. All other recommendations for the creation of additional judgeships heretofore made were reaffirmed.

A complete list of the present Judicial Conference recommendations of additional judgeships is as follows:

Courts of Appeals:

Second Judicial Circuit.—The creation of two additional judgeships.

Fourth Judicial Circuit.—The creation of one additional judgeship.

Fifth Judicial Circuit.—The creation of one additional judgeship.

District Courts:

First Judicial Circuit.—District of Massachusetts.—The creation of one additional judgeship.

Second Judicial Circuit.—District of Connecticut.—The creation of two additional judgeships.

Eastern District of New York.—The creation of two additional judgeships.

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

Third Judicial Circuit.—District of New Jersey.—The creation of one additional judgeship.

Eastern District of Pennsylvania.—The creation of three additional judgeships.

Western District of Pennsylvania.—The creation of two additional judgeships.

Fourth Judicial Circuit.—District of Maryland.—The creation of one additional judgeship.

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

Eastern and Western Districts of South Carolina.—The creation of one additional judgeship.

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

Eastern District of Louisiana.—The creation of two additional judgeships.

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

Southern District of Mississippi.—The creation of one additional judgeship.

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

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

Western 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 two additional judgeships.

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

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

Middle District of Tennessee.—The creation of one additional judgeship with the proviso that the first vacancy occurring thereafter should not be filled.

District Courts—Continued

Western District of Tennessee.—The creation of one additional judgeship.

Seventh Judicial Circuit.—Northern District of Illinois.—The creation of two additional judgeships.

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

Western District of Missouri.—The creation of one additional judgeship.

Ninth Judicial Circuit.—District of Alaska, Third Division.—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.

The Conference has also recommended that the following existing temporary judgeships be made permanent:

District Courts:

Third Judicial Circuit.—Western District of Pennsylvania.—The temporary judgeship to be made permanent.

Fifth Judicial Circuit.—Middle District of Georgia.—The temporary judgeship to be made permanent.

Tenth Judicial Circuit.—District of New Mexico.—The temporary judgeship to be made permanent.

District of Utah.—The temporary judgeship to be made permanent.

The Conference discussed the matter of expediting the hearing of cases before the Commissioners in the Court of Claims, and directed the Committee on Court Administration to give its attention to the problem. The Committee was authorized to confer with the Attorney General concerning the facilities of his office for processing such cases and with any other persons who may be able to assist in expediting them.

A proposal to create an additional judgeship on a temporary basis for the United States Court of Appeals of the Eighth Circuit, which is contained in S. 2799 as passed by the Senate on August 30, 1957, was referred to the Committees on Court Administration and Judicial Statistics for a report at the next session of the Conference.

RULES OF PRACTICE AND PROCEDURE FOR THE UNITED STATES COURTS

Chief Judge Biggs, Chairman of the Committee on Court Administration, and Circuit Judge Maris, Chairman of the Committee on the Revision of the Laws, submitted to the Conference a joint report of their respective Committees recommending legislation to the end that the Judicial Conference of the United States, acting with the approval of the Supreme Court, shall have the rule-making power now vested solely in the Supreme

Court with reference to criminal proceedings in the district courts prior to verdict, criminal proceedings in the district courts after verdict and on appeal, civil actions in the district courts, admiralty and maritime cases in the district courts, bankruptcy cases, the review of decisions of The Tax Court of the United States by the courts of appeals, and the trial of cases before United State Commissioners and appeals therefrom; and that a standing committee of the Judicial Conference be appointed to carry on this function with the assistance of a professional and clerical staff in the Administrative Office of the United States Courts.

The Conference discussed the proposal at length and approved the following draft of a bill:

A BILL To empower the Judicial Conference to study and recommend changes in and additions to the rules of practice and procedure in the federal courts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 331 of Title 28 of the United States Code, as amended, is further amended by inserting therein immediately after the fourth paragraph and before the fifth paragraph thereof an additional paragraph reading as follows:

"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."

The Conference referred to the Committees on Court Administration and Revision of the Laws the problem of devising procedures for the implementation of the proposal by the Conference. Chief Judge Clark, who has had long experience with the rule-making function, was made a member of both Committees to advise and assist in this work.

JOINT REPORT OF THE COMMITTEE ON SUPPORTING PERSONNEL AND THE COMMITTEE ON COURT ADMINISTRATION

Chief Judge Biggs, who is Chairman of the Committee on Supporting Personnel and also Chairman of the Committee on Court Administration, made a joint report for the two Committees.

United States Commissioners

Chief Judge Biggs reported that two full-time United States Commissioners had appeared before the Committees and stated the view of the full-time commissioners that they should be placed upon a salary, rather than remain upon a fee basis. The Committees have requested the Administrative Office to procure the necessary data so that the Committee on Supporting Personnel would have the required information for consideration at its next meeting.

Examination of Court Offices

The Committees recommended that the Conference renew its recommendation (Conf. Rept. Mar., 1957, p. 5) that the function of examining offices of the courts be carried on by the Administrative Office rather than by the Department of Justice and that funds be included in the Budget of the Administrative Office for this purpose. The Conference approved the recommendation of the Committees.

Administrative Office Salaries

At its September 1956 session (Conf. Rept., p. 18) the Judicial Conference renewed a recommendation that the salary of the Director of the Administrative Office of the United States Courts be placed at $22,500 a year and that the salary of the Assistant Director of the Administrative Office be increased to $20,000 a year. The Committees recommended to the Conference that it again renew these recommendations and that legislation be sought to this end at an appropriate time. The recommendation was approved by the Conference.

The Committees informed the Conference that various steps had been taken to have the salaries of the heads of the four divisions of the Administrative Office fixed at grade GS–18 or $16,000, but that

all such efforts had proved unsuccessful. The Committees had been informed that a further effort in this direction would be made by the Acting Director who proposed to contact the officials of the Civil Service Commission in the very near future. The Committees were of the view that if these efforts proved unsuccessful it would be desirable to attempt, by appropriate legislation, to remove the positions of the four division heads from the Classification Act. The Committees accordingly recommended that in the event the Acting Director failed to obtain favorable action from the Civil Service Commission in respect to the reclassification of the four division heads, that the positions be removed from the Classification Act by appropriate legislation to the end that their salaries may be fixed by the Judicial Conference. The Conference approved the recommendations of the Committees.

Salary Increases for Federal Employees

Upon the recommendation of the Committees, the Conference approved the inclusion of the employees of the Judicial Branch in any general salary increase bill applying to the personnel of the Executive Branch of the Government which may hereafter be considered, and authorized the Director of the Administrative Office to express this view to the Committees of the Congress when and as it may be appropriate to do so.

Law Libraries

Chief Judge Biggs reported that Circuit Judge Prettyman and District Judge Goodman had submitted a report on libraries of the Judiciary to the full Committees. The Committees decided that further study should be given to the report by the Administrative Office, after which the matter would be further considered.

Appointment of an Additional Judge When an Incumbent Judge Reaches Age 70

The Conference at its March 1957 session (Conf. Rept. p. 8) directed the Committee on Court Administration to consider further H. R. 3392, 85th Congress, authorizing the President to appoint an additional judge when an incumbent judge reaches age 70, is eligible to retire and fails to do so, no vacancy to be created when the judge who has reached age 70, dies, resigns, or retires. The Committees had considered the bill but were not prepared to make any recommendations. The Committee on Court Administration was authorized to consider this proposal further.

Creation of New Districts and New Divisions

The Committees reported that there had been reported favorably by the Committee on the Judiciary and passed by the Senate on August 30, 1957, S. 2703, 85th Congress, which would divide the State of North Dakota into two judicial districts. The Committees were of the view that such a division was unnecessary and contrary to the frequently expressed policy of the Judicial Conference that the creation of new districts is undesirable. (Conf. Rept. Mar. 1957, p. 9) The Conference was also informed that both the Judicial Council and the Judicial Conference of the Eighth Circuit were opposed to the bill. Upon recommendation of the Committees the Conference expressed its disapproval of S. 2703 and of any subsequent bill designed to effect the same end.

The Conference thereupon renewed its recommendations that the bills to create a new district in the State of California, H. R. 229, H. R. 2523, H. R. 2532, H. R. 4827, and S. 604, and the bills to create a new division in the Northern District of California, S. 548 and H. J. Res. 189, all of which are pending in the 85th Congress, be disapproved. (See Conf. Rept. Mar. 1957, p. 9.) The Conference also expressed disapproval of S. 2840, combining both provisions in one bill, which passed the Senate on August 30, 1957.

Diversity of Citizenship Jurisdiction

The Committees reported that they had considered a report made by the Administrative Office respecting a number of cases in which jurisdiction was based upon diversity of citizenship and jurisdictional amount in relation to corporations qualified to do business in certain jurisdictions, and have requested the Administrative Office to explore the situation further, particularly in respect to suits brought in nonmetropolitan areas, and to report at a future date. The Committees were authorized by the Conference to continue their studies and also to investigate cases in which a nonresident corporation is doing business in a State.

The Conference was informed that there had been introduced in the 85th Congress a bill, H. R. 4497, which provides for increasing the jurisdictional amount in diversity of citizenship and federal question cases to $10,000 and for treating a corporation as a citizen not only of the State of its incorporation but also of the State in which it has its principal place of business. This bill carries out precisely the recommendations heretofore made by the Conference in this regard (Conf. Rept. Mar. 1957, p. 9), and at the suggestion of the Committees the bill was approved by the Conference.

Classification of Law Clerks

The Committees reported that communications had been received from a number of judges respecting the present classification of law clerks and that difficulties were being encountered in the Second Circuit, Sixth Circuit, and the Ninth Circuit in recruiting law clerks at the present salary levels. After fully considering data procured by the Administrative Office respecting the salary level of young lawyers employed in law offices of metropolitan areas and letters from deans of law schools in respect to salaries paid to law students immediately after graduation, the Committees were of the view that some adjustment should be made in the salaries of law clerks and recommended that the present classification standards with respect to law clerks be amended by changing the respective grades of junior law clerk from GS–5 to GS–7, of assistant law clerk from GS–7 to GS–8 or GS–9 as the appointing judge may determine, and of associate law clerk from GS–9 to GS–10, the salary grades for law clerk and senior law clerk to remain unchanged in grades GS–11 and GS–12, and the statements of qualification standards with respect to each of these grades of law clerk heretofore approved by the Conference to continue in effect. The Committees further recommended that the judiciary budget for the fiscal year 1959 include sufficient funds to make effective the proposed classification as of July 1, 1958. The Conference approved the recommendations of the Committees.

However, the Committees were of the view that the qualification standards for law clerks, which were approved many years ago and have continued in force with comparatively minor alterations, require review and may require general revision. The Administrative Office has been requested by the Committees to make a study of these standards, as applied to the general grade of law clerks in the light of present employment practices by other Government Departments. The Conference authorized the Committees to continue the study and to consider possible revisions in the qualification standards for law clerks.

In order to carry out the changes which were approved, the Conference recommended the revision of the Appropriation Act language to eliminate grade GS–5 from the grades of law clerks available for appointment by judges and to add grades GS–8 and GS–10.

Senior Law Clerk—Administrative Assistant

There had been submitted to the Committees a proposal by Chief Judge Arthur F. Lederle of the United States District Court for the Eastern District of Michigan that chief judges of the circuits and chief judges of district courts of five or more judges be entitled to employ a senior law clerk—administrative assistant, at grade GS–14. After a full discussion by the Conference, the proposal was referred back to the Committees for further consideration.

Qualifications of Chief Probation Officers and Clerks

The Committees reported that the Federal Probation Officers Association had requested a change in the language of the qualification standards for chief probation officers of Grade GS–13, so as to include a chief probation officer in charge of an office with at least one other probation officer plus 3 years in grade GS–12, or 6 years as a United States probation officer. The Association also requested the creation of a class of chief clerks in large probation offices at grade GS–7. The Committees recommended to the Conference that this matter be referred to the Administrative Office for further study and for a report thereon at the next meeting of the Committee on Supporting Personnel. The Conference approved the recommendation.

Regional Coordinating Probation Officers

The Committees further reported that the executive board of the Federal Probation Officers Association had requested the creation of five new positions in the Probation Division of the Administrative Office to provide regional supervision and coordination between Federal probation officers over the country. This proposal was also referred by the Conference to the Administrative Office for investigation and report to the Committee on Supporting Personnel at its next meeting.

Salaries of Probation Clerks

A letter addressed to the Chairman of the Committee on Supporting Personnel by the Chief Probation Officer of the United States District Court for the Western District of North Carolina respecting the classification of clerks in probation offices presently

20011 O—58—H. Doc. 297, 85–2——4

graded in GS–5 was also submitted to the Administrative Office for investigation and report to the Committee on Supporting Personnel.

National Park Commissioners

The study of the salaries of National Park Commissioners authorized by the Conference at its March 1957 session (Conf. Rept. p. 11) had been previously submitted by the Administrative Office to the Committees. Upon examination of this report, the Committees were of the view that at the present time no further revision of salaries of National Park Commissioners is necessary. However, the Committees reported that if another Salary Increase Act is enacted, it may well become necessary to again review salaries of these Commissioners. The Conference approved the report of the Committees.

Administrative Court Bill

The Committees called to the attention of the Conference the bills, S. 2292 and H. R. 8751, 85th Congress, which embody a proposal approved by the American Bar Association for the creation of an Administrative Court under Article III of the Constitution of the United States to take over jurisdiction now exercised by the Tax Court, the National Labor Relations Board in respect to unfair labor practices, and by a number of other administrative agencies in the adjudication of certain specified unfair or unlawful practices in trade and commerce, including the Interstate Commerce Commission, the Federal Communications Commission, the Civil Aeronautics Board, the Federal Trade Commission, the Federal Reserve Board, the Tariff Commission, the Federal Power Commission and by the Secretary of the Interior and the Secretary of Agriculture. No action was taken by the Conference on these bills.

Review of Orders of Administrative Agencies

The Committees reported that their Chairman, Chief Judge Biggs, had appeared before the Committees of the Congress and restated the view heretofore taken by the Conference and expressed by the late Chief Judge Harold M. Stephens in respect to pending "food additive" bills, taking the position that judicial review of proceedings in the Department of Agriculture in respect to food additives should be conducted in accordance with the standards of the Administrative Procedure Act and as presently provided by law.

Creation of an Eleventh Judicial Circuit

The attention of the Conference was directed to H. R. 5677, and the amendment proposed to S. 420, 85th Congress, to provide for the creation of an eleventh judicial circuit to be comprised of Alaska, Idaho, Montana, Oregon, and Washington, and providing for the allotment of the circuit judges now in office in the Ninth Circuit between that Circuit and the Eleventh Circuit. The Conference was informed that both the Judicial Conference and the Judicial Council of the Ninth Circuit had previously opposed creation of an additional or Eleventh Circuit. The proposed legislation was thereupon disapproved by the Conference.

Removal Jurisdiction in Diversity of Citizenship Cases

There was referred to the Committee on Court Administration by the Administrative Office S. 1615, 85th Congress, to prohibit removal to United States district courts of actions commenced in State courts under State workmen's compensation laws. The United States district courts in Texas, Alabama, and New Mexico receive a substantial number of such cases by removal and the district courts of Louisiana receive some such cases. Upon the recommendation of the Committees, the Conference approved S. 1615 as an appropriate limitation of the diversity jurisdiction.

Personnel of the Court of Claims

The Committee on Supporting Personnel reported that the comparison of the grades and salaries of the supporting personnel of the Court of Claims with those of the supporting personnel of other United States courts having substantially similar duties, which had been authorized by the Conference (Conf. Rept. Mar. 1957, p. 11) had not been completed. The disposition of this matter was, therefore, deferred until a report is received from the Administrative Office.

Judicial Vacations

The Judicial Conference at its September 1956 session (Conf. Rept., p. 12) declared it to be the policy of the courts of the United States that in those circuits or districts in which the disposition of judicial business is not upon a current basis, judges' vacations should not exceed one month per annum. The attention of the Conference was directed to the matter of compliance with this

resolution by some courts and after a full discussion the matter was continued until the March meeting of the Conference.

Clerical Assistance for the Court of Appeals for the Second Circuit

At its March 1957 session (Conf. Rept., p. 13), the Conference referred to the Committee on Supporting Personnel the question of what special clerical assistance may be necessary in the courts of appeals for the handling of petitions *in forma pauperis* and requests for the appointment of counsel following the decision of the Supreme Court in the case of *Johnson* v. *United States,* 352 U. S. 565. A request for such assistance has been made by the Court of Appeals for the Second Circuit.

The Committees were of the view that this is of importance, but that it would be premature, in view of the comparatively short experience, to recommend at this time payment by the United States of individual counsel assigned for indigent persons seeking to prosecute applications to appeal *in forma pauperis,* or to recommend the appointment of an attorney on the clerk's office staff to assist such persons. The Committees believed, however, that substantial relief will be afforded if the Conference authorizes the appointment of an additional deputy clerk to assist the court in connection with this litigation. Accordingly, the Committees recommended to the Conference that the Acting Director of the Administrative Office authorize the employment of an additional deputy clerk at grade GS–11 for the Court of Appeals for the Second Circuit. The Conference approved the recommendation of the Committees.

Representation in the District of Columbia of Indigent Persons Alleged to be Insane

The Committees brought to the attention of the Conference the problem presented by the decision of the United States Court of Appeals for the District of Columbia Circuit in the case of *Dooling* v. *Overholser, Superintendent of St. Elizabeth's Hospital,* which held in substance that an insane person must be represented in commitment proceedings either by a guardian *ad litem,* a next friend, or an attorney, and that such representation is required by the District of Columbia Code. It was apparent to the Committees that a substantial sum, approximately $50,000, would be required to pay individual counsel assigned to represent such indigent

defendants where a member of the family was not available to serve as guardian *ad litem* or as next friend.

The Conference discussed the matter at length and recommended to the District Court for the District of Columbia three alternatives: (1) that money for this purpose be obtained through the District of Columbia Commissioners; (2) that money for this purpose be included in the judicial budget; or (3) that a change in the existing law respecting representation before the Mental Health Commission be requested of the Congress.

Division of Clerks' Offices in the Administrative Office of the United States Courts

The Federal Court Clerks Association submitted to the Committees on Court Administration and Supporting Personnel a resolution proposing that a new division be created in the Administrative Office of the United States Courts to be called a Division of Clerks' Offices and that the chief of the division be a person who has had experience as a clerk of a United States court. At the suggestion of the Committees, the matter was referred to the Administrative Office for consideration and later report.

Classification of Senior Courtroom Deputy Clerks in the Northern District of California

The classification of senior courtroom deputy clerks in the Northern District of California who are presently graded at GS–7 was brought before the Committees by Judges Goodman and Mathes. The grades approved by the Conference for senior deputy clerks in multiple judge districts range from GS–7 to GS–9, and courtroom deputy clerks in districts not using the master or central calendar system have been classified in grade GS–8. The Committees reported that if a satisfactory solution cannot be worked out, the Committee on Supporting Personnel would request a report by the Administrative Office concerning the classification of courtroom deputy clerks in master or central calendar districts and report thereon to the Conference.

Secretaries and Law Clerks

The Committees recommended to the Conference that it give specific approval to H. R. 3816, 85th Congress, providing for the

appointment of secretaries and law clerks by district judges, that bill being in the precise form which was approved by the Conference at its March 1956 session (Conf. Rept., p. 5). The bill was approved by the Conference.

Appointment and Compensation of Bailiffs

The Committees recommended to the Conference that specific approval be given to H. R. 3815, 85th Congress, transferring the appointment of bailiffs from United States Marshals to United States District Judges, the bill being in the precise form approved by the Conference at its March 1955 session (Conf. Rept., p. 8). The recommendation of the Committee was approved by the Conference.

Salaries of Court Reporters

The Committees informed the Conference that reports had been received from district judges that difficulty is being encountered in recruiting and retaining competent court reporters. It was the opinion of the Committees that this has become a serious situation which threatens the efficient operation of many of the district courts. Accordingly, the Committees recommended to the Conference that the matter of reviewing the compensation of court reporters be referred to an appropriate committee for a survey, study and report. The Conference approved the recommendation of the Committees and referred the matter of the compensation of court reporters to the Committee on Supporting Personnel.

COURT REPORTERS

The Acting Director, Mr. Ellis, reported to the Conference that a number of requests have been received from district judges that the salaries of specific court reporters be increased. Upon the recommendation of the Administrative Office, the Conference authorized an increase in the salaries of the court reporter-secretaries in the District of North Dakota from $5,915 per year to $6,450 per year. The Acting Director informed the Conference that in view of this action it may also be advisable to consider the comparable position of the court reporter-secretary in the District of South Dakota. The Conference thereupon authorized similar action for the court reporter-secretary in the District of South Dakota, if that be found appropriate.

The Conference concurred in a recommendation of the Administrative Office that, in view of the study just authorized, as above

noted, no changes be made at the present time in the salaries of the court reporters in the Southern District of Florida, the Northern district of Georgia, the Middle District of Georgia, the Western District of Texas, the Northern District of Iowa and the District of Idaho.

THE SALARY CLASSIFICATION OF THE SECRETARY TO CIRCUIT JUDGE HEALY

As directed by the Conference at its March 1957 session (Conf. Rept., p. 13) the Acting Director of the Administrative Office submitted to the Conference under the provisions of the Judiciary Appropriations Act for 1958 the issue of the proper salary classification for the secretary to Circuit Judge Healy. The Appropriations Act now provides that the salary grades of secretaries and law clerks are to be fixed "as the appointing judge shall determine, subject to review by the Judicial Conference if requested by the Director, such determination by the judge otherwise to be final . . .". In 1956, Judge Healy promoted his secretary from grade GS–8 to the position of secretary-law clerk at grade GS–11, which action was opposed by the Director on the ground that she has not been admitted to the bar, a requirement deemed essential in the standards adopted by the Judicial Conference.

The Conference was of the opinion that the secretary to Judge Healy did not meet the qualifications of secretary-law clerk approved by the Conference, and that the classification made by Judge Healy should not be sustained.

BANKRUPTCY ADMINISTRATION

Circuit 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 Acting Director on August 16, 1957, relating to changes in salaries and arrangements and the filling of vacancies to occur by expiration of terms before the next meeting of the Judicial Conference.

The report of August 16, 1957, was submitted by the Acting Director to the members of the Judicial Conference and to the Judicial Councils and the district judges of the circuits and districts concerned in accordance with the Bankruptcy Act. The Acting 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 Acting Director, the circuit councils and the district judges.

The Conference took the action shown in the following table relating to changes in salaries and arrangements:

District	Regular place of office	Present type of position	Present salary	Conference action	
				Type of position	Authorized salary
5th Circuit					
Texas (S)	Corpus Christi	Part-time	$3,000	Part-time	$6,500
6th Circuit					
Ohio (N)	Akron			Full-time [1]	12,500
8th Circuit					
South Dakota	Sioux Falls	Part-time	3,500	Part-time	4,500
9th Circuit					
California (S)	San Bernardino	do	6,000	Full-time	13,750
	San Diego	do	7,500	do	12,500
Idaho	Boise	do	7,000	Part-time	7,500
Montana	Great Falls	do	3,000	do	4,000
	Butte	do	3,000	do	4,000
Nevada	Reno	do	5,000	do	7,500
Washington (W)	Seattle			Full-time [1]	11,250
	Tacoma	Part-time	7,500	Full-time	11,250
10th Circuit					
Colorado	Denver			Full-time [1]	15,000
Kansas	Wichita			do.[1]	15,000

[1] New position.

All the above changes in salaries and arrangements were made effective when appropriated funds are available.

Upon the recommendation of the Committee, the Conference took the following action with regard to changes in arrangements and for the filling of vacancies in referee positions:

FOURTH CIRCUIT

Western District of Virginia.—Authorized the continuance of the position at Roanoke on a full-time basis for a term of 6 years beginning February 5, 1958, at the present salary of $12,500 a year; the regular place of office, territory and places of holding court to remain as at present, without prejudice however, to a readjustment in the present arrangements for the referee at Lynchburg and the request of Chief Judge Paul for the restoration of a referee position at Staunton. The Committee also recommended that a complete survey of the

needs of the district be made by the Administrative Office for further consideration by the Committee and the Judicial Conference at its meeting in the spring of 1958. This latter recommendation was approved by the Conference.

FIFTH CIRCUIT

Northern District of Florida.—Authorized the continuance of the position at Tallahassee on a part-time basis for a term of 6 years, beginning January 24, 1958, at a salary of $2,500 a year, the regular place of office, the territory and places of holding court to remain as at present.

SIXTH CIRCUIT

Northern District of Ohio.

(1) Transferred the Counties of Summit, Portage, Medina, Wayne, Holmes, Ashland, Richland, and Crawford from the territory now served by the Cleveland referees, to the territory to be served by the new referee at Akron.

(2) Discontinued Akron and Bucyrus as places of holding court for the Cleveland referees, and designated them as places of holding court for the Akron referee.

NINTH CIRCUIT

Southern District of California.

(1) Transferred Orange County from the territory served by the Los Angeles referees, to the territory served by the referee at San Bernardino.

(2) Designated Santa Ana as an additional place of holding court for the referee at San Bernardino and discontinued it as a place of holding court for the Los Angeles referees.

(3) Approved concurrent jurisdiction for the referees at San Bernardino and San Diego in San Bernardino, Riverside, Orange, San Diego, and Imperial Counties.

District of Idaho.—Authorized the continuance of the position at Boise on a part-time basis for a term of 6 years, beginning March 1, 1958, at a salary of $7,000 a year, the regular place of office, territory and places of holding court to remain the same.

Western District of Washington.—Approved concurrent jurisdiction in the Northern Division of the District for the referees at Seattle.

TENTH CIRCUIT

District of Colorado.—Approved concurrent district-wide jurisdiction for the referees at Denver.

District of Kansas.—Approved district-wide concurrent jurisdiction for the referees at Topeka and Wichita.

District of Oklahoma.—Designated Ada and Ardmore as additional places of holding court for the referee at Okmulgee.

The Committee brought to the attention of the Conference the matter of a differential in salaries in districts where concurrent jurisdiction is authorized for two full-time referees serving the same territory. After consideration, the Conference requested the Bankruptcy Committee to study the questions of policy presented by the creation of such positions with a salary differential, and make a further report to the next meeting of the Conference.

20011 O—58—H. Doc. 297, 85-2——5

Section 60 and Related Sections

The Committee reported that it had considered the report of its subcommittee relating to the proposed amendments of the Bankruptcy Act as contained in H. R. 6787 and H. R. 5195. The report of the subcommittee pointed out that H. R. 5195 in its present form would have the effect of promoting statutory liens on personal property not accompanied by possession to a position ahead of costs of administration and wage claims. The full Committee was of the opinion that the present provisions of the Act postponing such liens to the costs of administration and wages should be retained, and recommended that H. R. 5195 be redrafted so as to preserve the position of costs of administration as it exists under present law, with a proviso that the postponement of such statutory liens should not thereby in any way affect the standing, position, rank or seniority of valid contractual liens on personal property. The Conference approved the Committee's recommendation.

Submission Under the Phillips Plan of Proposal to Enlarge the Summary Jurisdiction of the Bankruptcy Court

The Committee reported that the proposals to enlarge the summary jurisdiction of the Bankruptcy Court had been submitted under the Phillips Plan and presented a summary of the letters received regarding the action of the various circuit conferences, councils and the views and opinions of certain circuit and district judges. The Committee recommended approval of the proposals and the enactment of legislation to enlarge the summary jurisdiction of the Bankruptcy Court. The Conference voted to postpone action on the proposals until the March 1958 meeting of the Judicial Conference.

Supplemental Appropriations for 1958

The Committee reported to the Conference that the number of bankruptcy cases is continuing to increase rapidly and that a volume of 85,000 cases is now anticipated for the fiscal year 1958.

Inasmuch as the changes in salaries of referees and for additional positions approved by the Judicial Conference at this meeting were made effective at such time as appropriated funds are available, and inasmuch as the present appropriations contain no funds for the changes made at this time or to be made at the Spring 1958 meeting of the Conference, the Committee recom-

mended that the Director be authorized to seek an additional appropriation for referees' salaries for 1958 not to exceed $65,000. This estimate is based upon the assumption that supplemental funds will not be available before April 1, 1958. The Committee also recommended that the Director be authorized to seek an additional appropriation not to exceed $75,000 for clerical help and impersonal expenses of the referees, necessary to handle the expected volume of cases. The Conference approved these recommendations.

Appropriations for 1959 for Referees' Salaries and Expenses

The appropriations for referees' salaries and expenses for 1959 are based upon an estimate of 95,000 cases. The estimated amount needed for referees' salaries is $2,051,300 and for referees' expenses, $2,636,600.

The estimate for referees' salaries includes (1) the cost of salary changes and additional positions approved at the present meeting of the Judicial Conference for the full fiscal year 1959; (2) an estimate of the amount needed to cover the salary changes and new positions which may be expected to be authorized at the March 1958 meeting of the Conference for the full fiscal year 1959; and (3) an estimate of the amount needed for additional salaries and positions which may be expected to be authorized by the Judicial Conference at its September 1958 meeting for three-fourths of the fiscal year 1959.

Upon the recommendation of the Committee the above estimates were approved by the Conference.

Amendments to the Bankruptcy Act Relating to the Combining of Certain Notices

The Committee reported the enactment of Public Law 85–275, which permits the 30-day notice of the last day fixed for the filing of objections to the discharge to be combined with the 10-day notice of the first meeting of creditors. Section 58b (2) as now amended requires the notice of the last day fixed for the filing of objections to a discharge to be mailed to the trustee, if any, and his attorney, if any. If the two notices are combined and mailed at the beginning of the proceeding it could not then be sent to the trustee as he would not have been appointed when the notice is mailed.

General Order 16 of the Supreme Court now makes it the duty of the referee to notify the trustee immediately of his appointment. The Committee recommended that the Judicial Conference suggest to the Supreme Court that General Order 16 be amended so as to make it the duty of the referee also to notify the trustee immediately upon his appointment of the last date for the filing of objections to the bankrupt's discharge. The Conference concurred in this recommendation.

Determination of the Dischargeability of Provable Debts

A bill, H. R. 106, pending before the 85th Congress, would give jurisdiction to the Bankruptcy Court to determine the dischargeability or nondischargeability of provable debts. At its March, 1957 session, the Conference reaffirmed its approval of H. R. 106 with the suggestion that the language of Section 14c (3) of the Bankruptcy Act to be removed by Section 3 of H. R. 106, be inserted in Section 17a of the Bankruptcy Act. This change would have the effect of removing from Section 14c (3), as a ground for a complete denial of a discharge, the obtaining of money or property on credit by making or publishing a materially false statement in writing respecting the financial condition of the debtor and inserting similar language in Section 17a as a ground for nondischargeability of a particular debt. (See Conf. Rept., Mar., 1957, p. 18).

H. R. 106 as so amended passed the House on July 15, 1957, and is pending before the Senate Judiciary Committee.

The Committee recommended that the Conference reaffirm its approval of H. R. 106 as passed by the House. The Conference approved this recommendation.

Study of Costs of Bankruptcy Administration

The Committee reported that the Bankruptcy Division had made complete cost studies for the fiscal year 1956 for 18 districts and had brought them to the personal attention of the referees, in conference in 13 districts. The studies were also discussed with some or all of the district judges concerned in 4 districts. Partial studies were made in 4 additional districts and forwarded to the referees.

The Committee expressed the view that the cost studies have been effective in reducing the costs of administration. It recommended that the studies be continued covering the fiscal year 1957 and that they be brought to the attention of the referees in

districts where the costs of administration recurrently exceed the national average. The Conference concurred in these recommendations.

APPROPRIATIONS

The estimates submitted by the Administrative Office pursuant to the statute (28 U. S. C. 605) for annual appropriations for the support of the courts for the fiscal year 1959 and supplemental appropriations for 1958 were approved subject to any changes which may be required by action taken by the Conference at this session.

The supplemental estimates include funds for the payment of the salaries of judges resulting from the sharp rise last year in the number of retired judges, increased jury costs due to a moderate increase in the call for jury service and the increased allowances under Public Law 299 of the 85th Congress for mileage and subsistence allowances of grand and petit jurors, which were increased from seven cents to ten cents per mile and $5 to $7 per day respectively; increased fees payable to United States commissioners resulting from the enactment of Public Law 276 of the 85th Congress and some increase in miscellaneous expenses as the result of the increased cost of printing records in cases appealed to the Supreme Court *in forma pauperis* and of the increasing costs of law book continuations.

The estimates for the annual appropriations for the operation of the courts during the fiscal year 1959 include increases for salaries and expenses of referees to process a larger volume of cases; funds for additional probation officers and staff to offset the numerical increase in the persons under supervision of probation officers and increased number of pre-sentence investigations since the recent expansion of the system was authorized by the Congress; provision for 25 additional deputy clerks to handle in part a rise in passport applications anticipated by the Passport Division of the Department of State; increases for travel and miscellaneous expenses for the additional personnel requested for 1959; increases in miscellaneous expenses on account of the higher costs of services, supplies and equipment needed by the courts in their normal operations; and additional funds for the Administrative Office for additional personnel. An additional item of $75,000 for the removal of the remainder of the Administrative Office to rented quarters (except for the immediate office of the Director) not included in the preliminary estimates was approved by the Conference.

On motion of Chief Judge Parker, the Conference authorized the appointment of a Committee on the Budget and requested the Administrative Office to send the budget estimates to the members of the Conference at least 2 weeks in advance of each session of the Conference.

THE ADMINISTRATION OF THE CRIMINAL LAW

Chief Judge Parker, Chairman of the Committee on the Administration of the Criminal Law, reported that the Committee had met and considered the various proposals for legislation referred to the Committee.

Appellate Review of Sentences

Chief Judge Parker reported that the proposal for the review of sentences in criminal cases by the courts of appeals contained in H. R. 270 of the 85th Congress had been circulated among the judges under the "Phillips Plan", as authorized by the Conference at its September 1956 session (Conf. Rept., p. 33). The large majority of the judges and judicial conferences responding disapproved the proposal and the Committee likewise recommended that the legislation be disapproved. The Conference approved the recommendation of the Committee.

Definition of a Felony

Chief Judge Parker reported that the Judicial Conference of the Ninth Circuit was giving further consideration to its proposals that "felony" be redefined and that the probation law be changed to permit the dismissal of an indictment after the successful completion of a term of probation. These proposals were brought to the attention of the Conference and referred to the Committee at its September 1956 session (Conf. Rept., pp. 35, 36). The Committee recommended that action be deferred until the Ninth Circuit has acted on these recommendations and that time be allowed to give further consideration. The recommendation of the Committee was approved by the Conference.

Proposal to Make the Federal Probation Act Applicable to the United States District Court for the District of Columbia

Chief Judge Parker reported that a bill, H. R. 7261, introduced in the 85th Congress, proposed to make the Federal Probation Act applicable to the United States District Court for the District

of Columbia. Upon the recommendation of the Committee, the Conference approved the bill.

Office Expenses of the United States Commissioner in the District of Columbia

Chief Judge Parker reported that a bill, H. R. 268, had been introduced in the 85th Congress which would place the United States Commissioner for the District of Columbia in a position similar to certain United States Commissioners elsewhere with respect to the payment of actual and necessary office expenses, including the compensation of a necessary clerical assistant. Upon the recommendation of the Committee, the Conference approved the bill.

Proposal to Enlarge the Jurisdiction of United States Commissioners in the Trial of Traffic Violations

The Committee reported that a bill, H. R. 6251, pending before the 85th Congress, would increase the jurisdiction of United States Commissioners appointed by the United States District Court for the District of Maryland who try and sentence persons committing petty offenses on the Suitland and Baltimore-Washington Parkways. In the case of traffic law misdemeanors, the jurisdiction of the Commissioners would be increased by the bill to authorize imposition of punishment not to exceed imprisonment for 1 year, or a fine of not more than $1,000, or both. The Administrative Office of the United States Courts would be authorized to furnish clerical help and supplies and to enter into agreements with other federal agencies or the State of Maryland for providing a courtroom and temporary detention facilities. Upon the recommendation of the Committee, the Conference approved the bill.

Time Spent by Defendants in Confinement Prior to Sentencing

By resolution presented to the Judicial Conference, the National Legal Aid Association has urged the giving of credit for time spent in jail prior to sentence for defendants sentenced to a term of imprisonment. An inquiry made by the Administrative Office at the request of the Committee disclosed that time spent in prison prior to sentencing is uniformly considered by district judges in imposing sentences. The Committee saw no need for legislation with regard to the matter and was of the opinion that such legislation might breed confusion and would not be in the

public interest. The statement of the Committee was approved by the Conference.

Appeals by the United States in Criminal Cases

The Committee requested that the Conference renew its recommendation that Section 3731 of Title 18, United States Code, be amended so as to provide for an appeal by the United States from an adverse decision on a motion to suppress evidence, and that the pending bill, H. R. 263, be approved. (See Conf. Rept., Sept. 1956, p. 35; March 1957, p. 22.) After a full discussion the Conference rescinded its previous action and disapproved the proposed legislation.

Habeas Corpus

The Committee recommended that the Conference again approve the legislation heretofore endorsed by the Conference in respect to writs of habeas corpus by persons in custody pursuant to a judgment of a state court, and to that end recommended that the Conference approve the bills, S. 1011 and H. R. 8361, introduced in the 85th Congress. The Conference adopted the recommendation of the Committee.

Payment of Compensation to Counsel Appointed to Represent Poor Persons Accused of Crime

The Judicial Conference at its September 1956 Session (Conf. Rept., p. 34) renewed its recommendation that legislation be enacted authorizing appointment of public defenders or the payment of compensation to counsel appointed by the courts to represent indigent defendants accused of crime. The Committee recommended that Congress be urged to enact this legislation as embodied in H. R. 108 of the 85th Congress. The Conference approved the recommendation of the Committee.

Payment of Actual Expenses Incurred by Counsel Appointed to Represent Indigent Defendants

The Committee recommended that pending the enactment of legislation providing for a public defender Congress should make provision for the payment of expenses actually incurred by counsel appointed to represent indigent defendants, subject to the approval of the district judge making the appointment, and that appropriate legislation to that end be drafted by the Administrative Office and

be submitted to Congress. The Conference approved the recommendation.

Disparity of Sentences

Chief Judge Parker informed the Conference that a subcommittee had submitted a report to the full Committee on the subject of disparity of sentences and the Committee recommends that further study be given to this matter by the subcommittee in connection with the Advisory Corrections Council and that further report be made with regard thereto. In the meanwhile, the Committee recommended that the proposed legislation embodied in H. J. Res. 424, to establish institutes and joint councils on sentencing procedures; H. J. Res. 425, to authorize the court, in sentencing a prisoner, to fix an earlier date when the prisoner shall become eligible for parole; and H. R. 8923, to include under the Federal Youth Corrections Act persons under the age of 26 years at the time of conviction, be approved by the Conference. The Conference authorized a continuation of the study and approved the bills recommended by the Committee.

Punishment for Contempt of Court

Chief Judge Parker called to the attention of the Conference H. R. 3006, relating to trial and punishment for contempt of court with regard to which the advice of the Conference has been requested. The Conference granted to the Committee further time to give consideration to this matter.

JUDICIAL STATISTICS

Chief Judge Charles E. Clark, Chairman of the Committee on Judicial Statistics, presented to the Conference a report of the activities of the Committee during the past year. The Committee had reviewed the work of the Administrative Office with reference to future trends in litigation authorized by the Conference at its September 1956 session (Conf. Rept., p. 36) and discussed the difficulties encountered in finding the causes for the great increase in civil litigation in the federal district courts. The Committee felt that a careful study by districts should be made and, therefore, renewed its request for inclusion in the budget of the Administrative Office provision for an additional attorney, secretary, and statistical clerk, as recommended last year but not approved by the House Appropriations Committee. The investigation to date

shows that the most important dependable data available are the judicial statistics of the various courts showing current activities and justifying careful and circumspect projections of future trends. The Committee stated that in view of the importance of the objective, it regarded this as a major task to be stressed.

At the March 1957 session, the Judicial Conference approved the resolution of the Committee on Court Administration providing for quarterly inquiries to presiding judges in the Courts of Appeals and the Court of Claims as to the pendency of cases under submission more than 3 months at the end of the quarter and not decided. Thus far the Administrative Office has made requests for this information at the end of the third and fourth quarters of fiscal year 1957, and the Committee reported that these reports show some improvement over the conditions which existed at the end of the second quarter. The Committee was of the opinion that the inquiries were serving a useful purpose and so reported to the Conference.

The question of the issuance of monthly statistical reports concerning the business of the Federal judiciary was considered by the Committee, but it was not ready to make any recommendations on the subject. The Committee has requested that a sample report be furnished to it for study by the Administrative Office. However, the Committee did recommend to the Conference that it consider authorizing the issuance of short news releases at the end of each quarter with reference to the quarterly reports of the Administrative Office and that copies of the reports themselves, except details with reference to specific cases under advisement by individual judges, be made available to bench and bar alike. This would have the advantage of calling to the attention of Congress and to the public the general condition of the court dockets and the condition of individual districts and would also be a method of emphasizing the need for additional judgeships.

Chief Judge Clark also announced the plan of the Committee to undertake another time study, with the help of a number of district judges, as to the time spent by them on various types of cases. The Committee asked for the cooperation of the judges from whom the Chairman will request this information, covering a period of 3 months.

Chief Judge Clark also called attention to the amount of information on the business of the federal courts which is available by reason of the method used by the clerks in reporting cases each month. This method, recommended by a Committee of the Na-

tional Commission on Law Observance and Enforcement, was adopted by the Department of Justice in 1935 and has been expanded in usefulness since it was first taken over by the Administrative Office. He reported that the Committee, therefore, urged use of the statistics by circuit judicial councils, State chief justices, court administrators and councils, and law schools of the country, and that it will welcome requests and proposals to this end.

The Conference directed that the report be received and that it be circulated throughout the judiciary for the information of the judges. Chief Judge Biggs, who has been working closely with the Committee on Judicial Statistics, was made a member of the Committee.

PRETRIAL PROCEDURE

Judge Murrah, Chairman of the Committee on Pretrial Procedure, submitted the report of the Committee to the Conference. He stated that the Committee had continued its activities during the year in promoting a wider and more effective use of pretrial procedure. In addition, he pointed out that the Committee had participated in the planning of the work of the study group appointed by the Chief Justice to consider the special problems arising in the pretrial of long and complicated cases.

He called attention to the resolution of the Conference at its September 1956 session (Conf. Rept., p. 15) that pretrial procedure should be used in every civil case before trial except in extraordinary cases where the district judge expressly enters an order otherwise, and to the resolution of the Judicial Conference of the Ninth Circuit to the same effect. He further stated that the reports made by the clerks of court to the Administrative Office indicate a steady increase in the extent to which the pretrial conference is being used to expedite the disposition of cases, define the issues and shorten trials, with settlements often resulting, and that the Committee was optimistic concerning the results which are being achieved.

Judge Murrah also related to the Conference the program organized by the group of judges appointed to make a special study of the problems in the use of pretrial procedure in protracted cases which was held at the New York University School of Law in New York City during the last week in August on the invitation of the Institute of Judicial Administration. The seminar lasted for 5 days and was attended by 30 judges. Judge Murrah stated that the participation of the bar in four of the sessions was particu-

larly helpful. He further reported that it was the general consensus of those present that the seminar was eminently successful in making available the experience and the views of judges and lawyers who have had extensive experience in the trial of protracted cases and that it was the intention of the Committee to organize similar sessions in the future.

The report of the Committee was received by the Conference and the Administrative Office was authorized to circulate it among the circuit and district judges.

OPERATION OF THE JURY SYSTEM

Judge Watkins, Chairman of the Committee on the Operation of the Jury System, submitted the report of the Committee to the Conference. He informed the Conference that three bills respecting the operation of the jury system previously endorsed by the Conference had become law. These provided for the use of certified mail in summoning jurors, uniform qualifications for jurors serving in the Federal courts (which were approved as part of the Civil Rights Act), and increases in the subsistence allowance of jurors from $5 per day to $7 per day and in the mileage allowance from 7 cents to 10 cents per mile.

Jury Commission

Upon the recommendation of the Committee, the Conference approved H. R. 3365, 85th Congress, to provide for a jury commission for each United States district court, to regulate its compensation, to prescribe its duties, and for other purposes. The enactment of this legislation has been advocated by the Judicial Conference since 1943. (See Conf. Rept., Sept. 1956, p. 39.)

Number of Peremptory Challenges of Jurors

Judge Watkins reported that at the request of the Committee there was introduced in the 85th Congress, H. R. 3368, approved by the Judicial Conference at its September 1956 session (Conf. Rept., p. 39) which would permit the trial court in its discretion, to allow multiple plaintiffs in civil actions additional peremptory challenges just as is now authorized in the case of multiple defendants. The bill passed the House of Representatives on April 15, 1957, and is now before the Senate Judiciary Committee. Upon the recommendation of the Committee, the Conference reaffirmed its approval of this legislation.

Use of Special Counsel and Investigators by Grand Juries

The Conference was informed that a bill, H. R. 262, 85th Congress, had been introduced to permit grand juries in certain cases to appoint special counsel and investigators. This legislation is the same as that heretofore disapproved by the Conference. (Conf. Rept., Sept. 1952, p. 16; Sept. 1953, p. 21; Sept. 1955, p. 24.) Upon recommendation of the Committee, the Conference reaffirmed its disapproval of this legislation.

Number of Jurors Required for Verdicts

In September 1956 the Judicial Conference disapproved H. R. 565, 84th Congress, which, in a civil action tried by a jury, other than one tried by a jury "as a matter of right guaranteed by the Seventh Amendment to the Constitution," would have provided that the number of jurors required to constitute the jury and the number who must agree for a valid verdict or finding should be determined by the law of the state in which the action is tried; or if there be no state law on the subject that the number of jurors shall be 12, and the verdict or finding shall be valid, if 10 of them agree. This legislation has again been introduced in the 85th Congress in H. R. 817 and H. R. 3428. Upon recommendation of the Committee, the Conference reaffirmed its disapproval of these bills.

Jury Trials in Condemnation Cases

The Committee reported that there has been introduced in the House of Representatives another bill, H. R. 511, 85th Congress, to provide for jury trials in condemnation cases upon demand of any party, notwithstanding rule 71 A(h) of the Federal Rules of Civil Procedure. The Conference, on various occasions in the past, has disapproved this legislation (Conf. Rept., Sept. 1955, p 25) and the Committee recommended that this new bill also be disapproved. The recommendation of the Committee was approved by the Conference.

The Selection of Jurors

Judge Watkins stated that for some years the Committee has considered bringing up to date the 1942 report of the Committee of the Judicial Conference on the Selection of Jurors, but has been unable to devise a plan therefor because of the lack of sufficient personnel in the Administrative Office. He said that during the

past year the matter has been discussed with the Institute of Judicial Administration in New York, which functions under the auspices of the New York University School of Law, and that the Institute has agreed informally that it will undertake the research work necessary to bring the report up to date. He stated that the Committee regards this as an important task and requests the authority of the Judicial Conference to revise the report and to officially request the Institute of Judicial Administration to assist in the work. The request was granted by the Conference.

Costs of the Jury System

A report prepared by the Administrative Office on the costs of the operation of the jury system for the fiscal year ending June 30, 1957, similar to reports prepared for previous years, was submitted to the Conference by the Committee. At the Committee's request, the Conference authorized the report to be distributed among the judges for their information to the end that jury costs may be kept at the lowest level consistent with the efficient operation of the system.

Handbook for Petit Jurors

The Committee called to the attention of the Conference the decision of the United States Court of Appeals for the Seventh Circuit in the case of *United States* v. *Gordon*, which held that the distribution of the Judicial Conference Handbook for Jurors in a criminal case was prejudicial and vitiated a conviction. The Committee reported that in the light of the criticism there expressed, it authorized the Administrative Office to notify all the clerks of district courts to withhold any further distribution of the handbook in question until further notice. The Committee has been informed that the United States has filed a petition asking for a rehearing by the court en banc, and that the defendant has filed a special plea and answer thereto. The Committee gave to the Conference a brief history of the handbook, but, since the matter is now pending in court, deemed it improper to discuss the merits of its use.

COMMITTEE ON REVISION OF THE LAWS

Judge Maris, Chairman, submitted the report of the Committee on Revision of the Laws. Upon the recommendation of the Committee, the Conference approved the enactment of the following

bills, which contain proposals previously endorsed by the Conference:

(1) *Record on review of orders of administrative agencies.*—H. R. 6788, 85th Congress, except for minor corrective amendments, is identical to S. 2223 and H. R. 6682 of the 84th Congress, which the Judicial Conference approved at its September 1956 session. (Conf. Rept., p. 44).

(2) *Notice of applications for interlocutory relief from orders of administrative agencies.*—H. R. 6789, 85th Congress, is identical with S. 2128 and H. R. 6631 of the 84th Congress, which were approved by the Judicial Conference at its September 1956 session. (Conf. Rept. p. 45).

(3) *Appeals from Interlocutory Orders of the District Courts.*—H. R. 6238, 85th Congress, is identical with H. R. 8331 of the 84th Congress, which was approved by the Judicial Conference at its September 1956 session. (Conf. Rept. p. 45).

(4) *Confinement with Probation.*—H. R. 7260, 85th Congress, is in the form which was approved by the Judicial Conference at its September 1955 session. (Conf. Rept. p. 29).

(5) *Transfer of cases between the district courts and the Court of Claims.*—H. R. 3046, 85th Congress, is identical with H. R. 668 of the 84th Congress, which was approved by the Judicial Conference at its March 1955 session. (Conf. Rept. p. 22.)

The Committee reported as follows concerning legislation upon which a report had been requested by the Conference:

(1) *Judicial review of deportation and exclusion orders.*—S. 345, 85th Congress, would provide an exclusive procedure for judicial review of deportation and exclusion orders in lieu of the Administrative Procedure Act. The Committee reported that the purpose of the bill, as stated by its sponsor, is to eliminate the delays in deportation caused by successive appeals, in various forms, from deportation orders. This would be achieved by providing a nonrepetitive exclusive procedure for review. While the bill appeared to be unobjectionable from a constitutional standpoint, the Committee was of the view that the judicial review to be accorded deportation and exclusion orders is a matter of Congressional concern. On this basis the Committee recommended approval of the legislation provided that, by amendment, the substantial evidence rule is made applicable to the review of deportation and exclusion orders in habeas corpus proceedings

to the same extent the bill makes that rule applicable to proceedings begun by petition for review. The recommendation of the Committee was approved by the Conference.

(2) *Judicial review of decisions of the Administrator of Veterans Affairs.*—H. R. 272, 85th Congress, would authorize a review by the appropriate court of appeals of a final decision of the Administrator of Veterans Affairs denying a claim of a disabled veteran. Under the bill the findings of the Administrator as to the facts, if supported by substantial evidence, would be conclusive. No judicial review of these final decisions is presently provided. After a full discussion the Conference decided to take no position on the policy of the bill providing judicial review in these cases. However, the Conference recommended that if the bill is passed the review should be in the appropriate district court rather than in a court of appeals.

(3) *Amendment of Section 10 (d) of the Administrative Procedure Act.*—H. R. 832, 85th Congress, would amend Section 10 (d) of the Administrative Procedure Act to authorize reviewing courts to postpone the effective date of agency action or to preserve status or rights pending conclusion of review proceedings. The Committee reported that it had received no information from the proponents of the bill or elsewhere indicating the necessity for expanding the jurisdiction of reviewing courts to the extent proposed by the bill. In view of the broad scope of the bill and the fact that no consideration appears to have been given to it by the Committee on the Judiciary of the House of Representatives, to which it was referred, the Committee suggested that no action with respect to it be taken at this time. The Conference adopted the suggestion of the Committee.

(4) *Venue in tort cases in the district in which the tort was committed.*—S. 1000, 85th Congress, would amend the venue statute to authorize suit on a tort claim in the district in which the tort was committed. The Committee was of the view that the proposal is not unreasonable insofar as it would broaden the present venue statute so as to permit suit on a tort claim, not only in the residence districts of the defendant and of the plaintiff, but also in the district in which the tortious act took place. This would be accomplished by adding a subdivision (e) to Section 1391 of Title 28, United States Code. However, the bill proposes also to add a subsection (f) which would seem to be intended to broaden the venue statute so as to permit suit against any person or cor-

poration in any judicial district which is the residence of a state official who, by operation of state law rather than by actual appointment, becomes the agent of that person or corporation to receive service of process. The Committee was not prepared to recommend such a broad extension of the venue statute and accordingly suggested that S. 1000 be approved with an amendment striking out subsection (f). The bill with the suggested amendment of the Committee was approved by the Conference.

(5) *Registration and enforcement of support orders in certain state, territorial and other courts.*—S. 183 and H. R. 285, 85th Congress, as introduced, would authorize a support order made by a court of one State to be registered in a State or Federal court in another state to which the defaulting husband or father has removed and the enforcement of such order by the court in which it is registered. The bills also propose to make it a Federal criminal offense for one liable under a support order to travel in interstate commerce from the state in which the order was issued to any other State or country to avoid compliance with the order. The Committee was convinced that there is need for some legislation in this field, but that it is unnecessary and it would be unwise to provide for the registration of support orders in, and their enforcement by, the Federal district courts in view of the existence in every State of courts with jurisdiction, procedure and personnel adequate for the purpose, and in view of the widespread adoption by the states of the Uniform Reciprocal Enforcement of Support Act. The Conference disapproved the provisions of the bill which would provide for the registration and enforcement of such orders by the Federal district courts and expressed no opinion on the other features of the bill.

(6) *Registration in United States district courts of those portions of divorce decrees of territorial courts of Alaska, the Virgin Islands, Guam and the Canal Zone which provide for the payment of money or the transfer of property.*—H. R. 819, 85th Congress, is intended to meet the situation exemplified by *Gitlin* v. *Gitlin*, 15 F. R. D. 458, which held that Section 1963 of Title 28, United States Code, does not authorize the registration in a United States district court of that portion of a divorce decree rendered by the District Court of the Virgin Islands which provides for the payment of money. The bill would amend Section 1963 so as specifically to include the District Courts of Alaska, the Virgin Islands, Guam and the Canal Zone among the courts to which

Section 1963 applies, and it would also broaden that Section so as to make it applicable to that portion of a divorce decree which provides for the payment of money or the transfer of property. The Conference recommended that Section 1963 of Title 28, United States Code, be amended to include the proposal contained in H. R. 819.

Judge Maris reported that the Committee had considered the following pending bills upon which reports had been requested by Committees of Congress and which have been referred to the Committee by the Acting Director of the Administrative Office as authorized by the Conference at its March 1957 session. (Conf. Rept., p. 27.)

(1) *Standard of review in judicial review proceedings under the laws governing financial institutions.*—S. 1451, 85th Congress, which has passed the Senate and is now pending in the Committee on Banking and Currency of the House of Representatives, would revise generally the Federal laws covering financial institutions. Included in the bill are provisions for the judicial review by the courts of appeals of various decisions of governmental agencies in this field. The review proceedings are to follow the Administrative Procedure Act except that the review is to be upon the weight of the evidence. The bill thus departs from the standard of the Administrative Procedure Act that agency findings shall be upheld if supported by substantial evidence upon the record considered as a whole. Judge Maris informed the Conference that the Committee on Banking and Currency of the House of Representatives has requested the views of the Judicial Conference with respect to these specific provisions relating to the standard of review. He further reported that the Committee was unable from the information secured to determine that there is a substantial distinction between the proceedings which would be reviewed under this bill and the many other types of agency proceedings which are presently reviewable under the substantial evidence standard of the Administrative Procedure Act. After a full discussion, the Conference directed that the Committee on Banking and Currency be informed that it is of the view that the standards of the Administrative Procedure Act should be made applicable in full to the proceedings reviewable under this bill.

(2) *Consolidation of parties in libel or slander actions in one district court.*—H. R. 5601, 85th Congress, would amend sections 1391 and 1404 of Title 28, United States Code, by adding a new subdivision to each section. The Committee reported that it has

been unable to secure from the sponsor of the bill or from any other source a statement as to the basic purposes of the bill and exactly what is sought to be accomplished by it, and under the circumstances was unable to make a recommendation with respect to it. Due to the vagueness of the proposal, the Conference voted to disapprove the bill.

(3) *Recording in State offices of notices of actions pending before a United States district court with respect to real property.*—H. R. 7306, 85th Congress, would amend Title 28, United States Code, by adding a new section 1964 which would require a notice of the institution of a suit in a Federal district court concerning real property by providing that the suit should not have the effect of *lis pendens* unless it is registered, recorded, docketed or indexed as the State law provides if in fact the State law does provide for such registering, recording, docketing, or indexing of such Federal suits. The Committee reported that it believed that this bill would effect a desirable procedural improvement and that it should be approved. The Conference approved the bill.

Judge Maris also reported that pursuant to the authority given by the Conference at its September 1956 session (Conf. Rept., p. 46) the Committee had considered the following pending bills and proposals:

(1) *Judicial review of administrative findings of the Secretary of Labor.*—S. 1629, H. R. 8214 and H. R. 8215 of the 85th Congress would provide for the judicial review of the administrative findings of the Secretary of Labor under Title III of the Social Security Act and the Federal Unemployment Tax Act with respect to the compliance by a State in its plan of old age assistance or unemployment compensation with the standards of the Federal acts. These bills propose to give to a State, against which the Secretary has made adverse findings of compliance, a right of review of such findings by the court of appeals for the circuit in which the State is located, upon the record made before the Secretary, but with the provision that the court shall exercise its independent judgment without regard to the provisions of the Administrative Procedure Act. The bills were discussed by the Conference but no action was taken on them.

(2) *Judicial review of compensation orders under the Federal Employees Compensation Act.*—S. 1653 and H. R. 6308, 85th Congress, would provide for judicial review of the final decisions of the Federal Employees Compensation Appeals Board in the

court of appeals for the circuit wherein the employee resides or is employed, or in the Court of Appeals for the District of Columbia Circuit. In such proceedings the findings by the appeals board, if supported by substantial evidence on the record considered as a whole, would be conclusive. The bills were discussed by the Conference and passed over without action.

(3) *Review of orders of the Interstate Commerce Commission.*—S. 1721 and H. R. 6085, 85th Congress, would amend sections 2322 and 2323 of Title 28, United States Code, so as to provide that suits to review orders of the Interstate Commerce Commission shall be brought against the Commission as respondent rather than against the United States. The Conference postponed action on this proposal until the views of the Interstate Commerce Commission and the Department of Justice with respect thereto could be ascertained.

(4) *Direct review of judgments of the Supreme Court of Puerto Rico by the Supreme Court of the United States.*—H. R. 6009, 85th Congress. would provide that judgments of the Supreme Court of Puerto Rico shall hereafter be reviewed by the Supreme Court of the United States on certiorari or appeal in the same way that judgments of the supreme courts of the several States of the Union are now reviewed by that Court, and that the jurisdiction of the Court of Appeals for the First Circuit to review the judgments of the Supreme Court of Puerto Rico be eliminated. The Conference was informed that the volume of such cases now filed in the Court of Appeals for the First Circuit is not large. Upon recommendation of the Committee, the Conference approved the bill.

(5) *Consent judgments and decrees by the Federal Trade Commission and by the district courts in antitrust cases.*—H. R. 427, 85th Congress, would amend section 4 of the Sherman Act so as to provide that notice shall be published in the *Federal Register* of any proposed consent judgment, decree or order before its entry by a district court or the Federal Trade Commission in a proceeding under the Antitrust Acts or the Federal Trade Commission Act. It was the view of the Committee that the requirements of this bill would provide an improvement in the procedure in such cases which would be very salutary in that it would enable the district court or the Federal Trade Commission, as the case may be, to obtain the views of all persons who might be affected by the proposed decree before it is finally formulated and en-

tered. Upon the recommendation of the Committee, the Conference approved the bill.

(6) *Rules for the review and enforcement of orders of administrative agencies.*—Judge Maris stated that the Honorable Willard W. Gatchell, General Counsel of the Federal Power Commission, has proposed to the Committee two further amendments to the uniform rule on the review and enforcement of orders of administrative agencies recommended by the Conference in accordance with the provisions of the Hobbs Act and adopted by nearly all the courts of appeals. The one proposal would require that a notice of a petition for review be served upon all parties who have been admitted to participate in the proceeding before the agency and the other would limit the statement in the petition for review to that which is essential. The Committee believed that these proposals involve desirable improvements in the uniform rule and accordingly suggested that the Conference recommend to the courts of appeals that they adopt the following amendments to the uniform rule on the review and enforcement of agency orders.

The first paragraph of rule ———, "Review or enforcement of orders of administrative agencies, boards and commissions," is amended—

(1) by amending the first sentence thereof to read as follows:

> "A petition to enjoin, set aside, suspend, modify or otherwise review an order of an administrative agency, board or commission or officer shall be addressed to this court and shall contain a concise statement, *in barest outline,* of the nature of the proceedings as to which review is sought, the facts upon which venue is based, the grounds upon which relief is sought, and the relief prayed," and

(2) by adding at the end of such first paragraph an additional sentence reading as follows:

> *"At or before the time of filing the petition the petitioner shall serve a copy thereof on all parties who have been admitted to participate in the proceedings before the agency, board, commission or officer to which the petition relates and shall file with the clerk a list of those so served."*

The amendments to the uniform rule as proposed by the Committee were approved by the Conference.

AIR CONDITIONING OF COURT QUARTERS

Chief Judge Parker, Chairman of the Committee on Air Conditioning of Court Quarters, reported that the Committee had carried forward the program approved by the Conference and that the objective of obtaining air conditioning in courtrooms and judges' quarters where badly needed has, in large measure, been attained. In view of the general program of air conditioning upon which the General Services Administration has embarked and the fact that Congress has indicated reluctance to grant preferential treatment in this regard to supporting personnel of the courts, the Committee recommended that the air conditioning program of the Conference be discontinued and that the Committee be discharged.

The Committee pointed out that as the building-wide program of the General Services Administration progresses, air conditioning units which have been installed under the Committee's program will become available for use in the offices of court supporting personnel. The Committee, therefore, recommended that the Administrative Office be directed to install these units in the offices where the need for them is greatest and seek the aid of the General Services Administration in having them so installed.

The Conference approved the final recommendations of the Committee and expressed to the Chairman and the members thereof its gratitude for the Committee's service.

FEES OF UNITED STATES COMMISSIONERS

The Conference was informed that its recommendation for legislation to increase the fees of United States Commissioners, approved at the March 1956 session (Conf. Rept., p. 8), had passed the Congress and was approved by the President on September 2, 1957, as Public Law 276 of the 85th Congress.

QUALIFICATIONS FOR PROBATION OFFICERS

The Conference renewed its recommendation that appropriate legislation be enacted to empower the Judicial Conference to promulgate minimum qualification standards which must be met by all probation officers to be appointed in the future, and recommended the enactment of H. R. 3817, 85th Congress, which is identical to the draft of a bill recommended by the Conference at its March 1957 session (Conf. Rept., p. 10).

UNIFORM RULES OF EVIDENCE FOR THE FEDERAL COURTS

The Judicial Conferences of the Third and Sixth Circuits have each recommended that a committee be created to study and recommend uniform rules of evidence for the Federal courts. Judge Allen presented to the Conference the following formal resolution of the Judicial Conference of the Sixth Circuit, which was referred by the Conference to the Committee on Court Administration:

> BE IT RESOLVED, That the 18th Annual Conference of the Federal Judges of the Sixth Judicial Circuit (1) urges the Supreme Court to create a special advisory committee to study and recommend uniform rules of evidence for the federal courts, (2) urges all other federal judicial conferences to take similar steps, (3) urges the Attorney General to support the creation of such a committee and to indicate his willingness to cooperate with such a committee when established.

RECOMMENDATIONS OF THE JUDICIAL CONFERENCE OF THE NINTH CIRCUIT

Chief Judge Stephens informed the Conference that the Judicial Conference of the Ninth Circuit at its Conference in June 1957 had made the following recommendations. Those heretofore approved by the Judicial Conference of the United States are as follows:

(1) Approving pending legislation to make the Federal district courts of Puerto Rico and Hawaii constitutional courts and give judicial tenure during good behavior;

(2) That the Second and Fourth Judicial Divisions of Alaska be consolidated and an extra judge be provided for Anchorage;

(3) That the judge for Guam be appointed for a period of 8 years, with salary on a parity with other district judges; and

(4) That the Conference oppose pending legislation providing for appellate court review of sentences. (Acted on at this session, p. 26, *supra.*)

The following resolutions of the Judicial Conference of the Ninth Circuit were referred by the Conference to the appropriate Committees:

(1) That jury commissioners be paid $25 per day, together with maintenance and travel pay the same as other court supporting personnel, but limited to 30 days in any calendar year;

(2) That court criers be upgraded to GS–6, with entering pay of $4,008;

(3) That district court clerks in cities with population of 300,000 or more be paid a salary of $15,000; in cities of 100,000 or more, $12,000; all other districts $10,000.

SPECIAL SESSIONS OF THE DISTRICT COURTS IN A NATIONAL EMERGENCY

At the March 1957 session of the Judicial Conference the Attorney General emphasized the importance of insuring the availability and use of existing civil authority in the event of a national emergency (Appendix to Conf. Rept., p. 32) and suggested that the judicial councils of the circuits may wish to issue appropriate stand-by rules pursuant to section 141 of Title 28, United States Code. The Conference discussed the proposal, but made no recommendation concerning it.

THE CREATION OF TRIAL AND APPELLATE DIVISIONS IN THE COURT OF CLAIMS

Judge Whitaker explained to the Conference the proposal contained in H. R. 6954, 85th Congress, to authorize the Court of Claims by its rules to create trial and appellate divisions and within the authority of existing law to prescribe the functions and duties of each, the appellate division to be composed of judges appointed pursuant to section 171 of Title 28, United States Code, and designated appellate judges, and the trial division to be composed of commissioners appointed pursuant to section 792 (a) of Title 28, United States Code, and designated trial judges. The proposal was referred to the Committee on Court Administration for its consideration and report at the next meeting of the Conference.

JUDICIAL SURVIVORS ANNUITY SYSTEM

The Administrative Office reported that, upon completion of the first year of its operation, the Judicial Survivors Annuity System is functioning smoothly and is in a satisfactory financial condition. In addition to the contributions from the judges of 3 percent of their salaries by payroll deduction, the fund will benefit in the coming year from the contribution to be made by the Government of an amount equal to that made by the member judges, provision for which was obtained in the annual Appropriation Act for the fiscal year 1958.

Annuity payments totaling $228,684 have been made to widows during the fiscal year 1957 and on July 1, 1957, there were 116 widows on the annuity payroll whose pensions aggregated slightly more than $252,000 annually. It was announced that the Administrative Office would have an actuarial examination made of the Judicial Survivors Annuity Fund at the end of the current fiscal year and that the resulting findings and recommendations would be submitted to the Judicial Conference.

PRETERMISSION OF TERMS OF THE COURTS OF APPEALS OF THE EIGHTH AND TENTH CIRCUITS

At the request of Circuit Judge Johnsen, the Conference, pursuant to 28 U. S. C. 48, consented that terms of the Court of Appeals of the Eighth Circuit at places other than St. Louis be pretermitted during the current fiscal year.

At the request of Chief Judge Bratton, the Conference consented that the terms of the Court of Appeals of the Tenth Circuit at places other than Denver be pretermitted during the current fiscal year.

COMMITTEES

On motion of Chief Judge Biggs, the Conference renewed the authorization to the Chief Justice to take whatever action he may consider desirable with respect to increasing the membership of existing committees, the filling of committee vacancies and the appointment of new committees. Subject to such action all existing committees were continued.

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.

WASHINGTON, D. C., *December 14, 1957.*

APPENDIX

REPORT

OF

THE HONORABLE HERBERT BROWNELL, JR.

ATTORNEY GENERAL OF THE UNITED STATES

TO

THE JUDICIAL CONFERENCE OF THE UNITED STATES

Washington, D. C.
September 18, 1957

APPENDIX

Mr. Chief Justice, Members of the Judicial Conference:

Once again it is my privilege and pleasure to render an annual report at this meeting of the United States Judicial Conference on matters of mutual concern which relate to the business of the federal courts. Through our cooperative efforts, we are making headway in unraveling common problems and in advancing the American tradition of equal justice under law.

1. *Case Backlog and Delay.*

As in the past, uppermost in the minds of members of the bench, the bar and the people is the difficult matter of cutting down the law's delays without impairment of constitutional rights.

The Department of Justice has been trying to do its share in keeping litigation operations current. As of June 30, 1957, the drive which began on August 31, 1954, had reduced cases pending in United States Attorneys' offices by 31.07 percent or 10,503 cases. Criminal cases were reduced from 10,392 to 7,376 or 29 percent, while civil cases dropped from 23,413 to 15,926 or 31.98 percent. A number of United States Attorneys' offices are now current in their criminal and civil caseloads, and able to handle legal business in the courts without undue delay. These efforts have been reflected by equal success in increasing collections of moneys due to the Government. Collections by United States Attorneys during the fiscal year ending June 30, 1957, amounted to $35,818,490, the second largest amount ever collected in a comparable fiscal year in the history of the Department.

This is the result of an all-out drive among the various divisions of the Department. Merely a few illustrations of what was done may be cited. We created a number of "task forces" composed of experienced attorneys from the Department who have been sent out to assist in those districts where the regular complement of lawyers was seriously overloaded with work. Thus, for example, a special team in the Tax Division was able to terminate 442 tax refund cases during a 10-month period, compared with 269 cases for the comparable period the year before. We created an Execu-

tive Office of United States Attorneys which is analogous in many respects to the Administrative Office of the United States Courts. Through a special IBM reporting system, we were able to single out for timelier action delinquent and other cases which would otherwise get bogged down. In the Antitrust Division, an accelerated program was carried out to dispose of cases by the use of consent decrees. Efforts are now being made to cut down the burden of the courts in protracted antitrust cases. We also eliminated the red tape which contributed to delays in disposition of cases by greatly enlarging the discretion of the United States Attorneys to settle thousands of matters without referral of them to Washington for approval. We advised Federal judges of our readiness to try cases in the summer months wherever the judges believed such a program to be feasible. We improved the administration of the Immigration and Naturalization Service with a noticeable drop in the backlog of Government cases.

This campaign by the Department to bring the Government's legal business to a current status could not have been accomplished without the splendid cooperation by the Federal judiciary throughout the country. The increasing assignment of additional judges to districts where the problem of crowded dockets was most critical, setting up special terms for disposition of selected groups of cases, such as tax cases, the holding of court throughout the summer months, frequently in nonairconditioned court rooms, effective calendar control and extended use of pretrial techniques, are but typical of the many ways in which our Federal judges have responded in the national drive to reduce unnecessary delay in litigation.

But however great their efforts, it is clear that many additional Federal judgeships are still critically needed, not only to assist in the current drive to wipe out congestion and delay, but to fill the need of handling the ever-expanding business of the courts caused by the continuing growth of our population and development of our economy. For example, there was an increase of 11,675 bankruptcy cases filed in 1957 or 18.8% over 1956. Although satisfactory progress has been made, in some areas it still takes 2½, 3 and even more than 3 years from issue for a civil case to be tried. The caseload per judgeship in civil cases is increasing and the need for the additional judgeships recommended by the Judicial Conference is most urgent. This congestion in litigation will not be eliminated until the new judgeships are created and all vacancies are filled.

2. *The Attorney General's Conference on Court Congestion and Delay in Litigation.*

You may remember that last year I reported on the initial results of a conference which I called in Washington of leaders of the bench and bar to discuss the problem of court congestion and delay in litigation, and to plan its solution. An Executive Committee was formed at the time composed of distinguished members of the Congress, the judiciary, and the bar. Its Chairman has been Deputy Attorney General William P. Rogers. This Committee wasted no time in getting to work. Following various meetings, the Committee submitted its report in which it limited its recommendations to those proposals which would have an immediate and direct impact on the congestion and delay which exist in the courts.

With respect to State courts, the Committee recommended the following:

1. The establishment of centralized administrative supervision of all courts in a single head, preferably the chief judge of the state system, with authority to promulgate uniform court rules, and to assign judges to places where congestion is acute.

2. The maintenance in all jurisdictions of uniform and up-to-date judicial statistics.

3. The adoption of modernized rules of procedures such as pretrial conferences and discovery procedures to promote the orderly and expeditious trial of cases.

4. The adoption of businesslike methods for supervising court calendars so that the most efficient use could be made of the judge's time.

5. Frequent conferences of members of the bar and judges to encourage cooperation in efficient judicial administration.

Similar proposals were recommended for Federal courts in jurisdictions where they are not in effect. In addition, special recommendations were made concerning the Federal courts. These I shall discuss in a moment. At the same time, I shall indicate how the recommendations compare with those of the Judicial Conference and how they have been implemented as a result of unusual coordination among all branches of the Government and representatives of the bar and public.

1. *Chief Judges to relinquish administrative duties at seventy-five.*

The Executive Committee on Court Congestion and Delay recommended that legislation provide that the chief judge of a Federal

court of appeals or of a Federal district court shall relinquish his administrative duties upon reaching the age of 70. In this proposal, the Committee gave recognition to the difficulty of the daily administrative problems of the court, and concluded that senior judges should not be called on to handle these onerous duties in addition to normal duties.

This recommendation followed a similar recommendation previously made by the Judicial Conference. Legislation was introduced in the Senate and House to carry out the proposal, and was supported by the Department. H. R. 985 was passed by the House on May 23, 1957, with an amendment changing to 75 the age at which a chief judge should be required to relinquish his administrative duties. This bill and a related bill, S. 1339, are pending with the Senate Judiciary Committee.

2. *Chief Justice to address Congress.*

Another recommendation of the Committee was that Congress invite the Chief Justice of the United States to appear personally before a joint session at the beginning of every Congress and report on behalf of the Judicial Conference of the United States on pending urgent requirements of the Federal courts and on long-range programs to meet future needs before they become critical. It was felt to be essential that the courts be represented by a spokesman who directly and effectively could bring to the attention of Congress proposals which would advance the proper administration of justice.

As you know, for several years the Department has been urging the enactment of legislation authorizing the Chief Justice to address a joint session of Congress either annually or at the beginning of each session. The Department has given its support to H. J. Res. 46 which provides for the Chief Justice to address Congress annually.

3. *Additional judgeships.*

The Committee also recommended enactment by Congress to effectuate the recommendation of the Judicial Conference for the creation of 35 additional Federal district judgeships, 2 additional judgeships for the courts of appeal, and making permanent the 4 temporary judgeships.

Here again, marked progress has been made. Omnibus judgeship bills as well as numerous individual bills are pending with the respective Judiciary Committees. The Department has vigorously supported creation of the additional judgeships before

these Committees. On August 30, 1957, the Senate passed a number of individual bills which would authorize the appointment of additional judges for the Court of Appeals for the Second Circuit, the Districts of Kansas, Maryland, Connecticut and Nevada, the Southern District of Mississippi, the Southern and Eastern Districts of New York, the Eastern, Middle and Western Districts of Tennessee, two in the Northern District of Illinois, one to serve all three Districts of North Carolina, Eastern, Middle and Western, one for the Southern District of Florida, two for the Eastern District of Pennsylvania and one to serve both the Northern and Southern Districts of Iowa. In addition, the Senate passed a bill to make permanent the temporary judgeship in Utah, and to create a temporary court of appeals judgeship for the Eighth Circuit.

We must continue to enlist the aid of the Congress and the people in giving full support to recommendations for these and other judgeships so that the courts may effectively and expeditiously discharge their public responsibility.

4. *Roster of "Senior" judges.*

Consistent with the recommendations of the Judicial Conference, the Committee also recommended amendment of section 371 (b) of title 28, United States Code, to designate as a "senior judge," rather than as "retired," a judge who takes advantage of the retirement provisions. It also recommended that provision be made for a "Roster of Senior Judges" who are willing and able to undertake special judicial duties upon assignment by the Chief Justice. This proposal would tend to mitigate the feelings of many judges that by retiring, they mark themselves unfit for public service even on a limited basis. The recommendation would make systematic provision for the utilization of the services of mature, experienced and respected senior judges who are willing and able to work. By keeping the assignment on a special basis, the judge will be protected from committing himself for more than he can effectively do as a public service. At the same time, the Court is protected in event the judge should become ill or disabled.

Identical bills to carry out this recommendation were introduced in the House and Senate, passed by both Houses and signed by the President.

5. *Expanded use of pretrial procedures.*

The final recommendation by the Committee dealing with Federal courts was also in complete concurrence with another im-

portant resolution of the Judicial Conference. It provides that pretrial procedures and techniques should be used in every civil case in the Federal courts except in extraordinary cases where the district judge expressly enters an order otherwise and finds that the ends of justice would be better served without resort to these procedures.

The Committee recognized the early reluctance on the part of many judges to employ novel procedures before their effectiveness had been tested and established. But, as the Committee noted, "the salutary experience with pretrial now justifies its adoption by all district courts as a recognized means for providing better and more expeditious trial of cases."

The Committee also made recommendations of general applicability which included a recommendation that law schools adopt as part of their curriculum the teaching of methods and principles to reduce delays and dilatory tactics; a recommendation that as a guide in determining whether trial calendars are current, delay in the final disposition of the average civil case beyond 6 months after commencement of action be considered excessive; that decisions on appeals be rendered within 6 months after entry of the judgment appealed from; and finally a recommendation that more publicity should be given to both the accomplishments and the shortcomings of the judicial system.

It is hoped that the Conference on Court Congestion and Delay will continue its splendid work, and that it will now set its sights on the long-range problems of an effective and adequate system of justice in the Federal courts.

There are a number of other matters of concern to the Judicial Conference as to which time will permit only brief comment.

Appointment of additional judges under certain circumstances.

The Congress enacted legislation to provide that whenever a judge appointed to hold office during good behavior becomes eligible to retire for disability under Section 372 of title 28, United States Code, and fails to do so, the President shall be authorized to appoint an additional judge. As a condition of this appointment, a certificate of disability must be presented to the President by the members of the Judicial Council of the Circuit in which the District or Circuit judge sits, and the President must find that such judge is unable to discharge efficiently the duties of his office and that appointment of an additional judge is necessary (Public Law 85–261, approved September 2, 1957). In this

event, the vacancy subsequently caused by the death, resignation or retirement of the disabled judge shall not be filled.

The Judicial Conference recommended this bill. The Department went on record as favoring enactment of it.

Habeas Corpus; review by Federal courts of State court convictions.

At its March 1957 meeting, the Judicial Conference reaffirmed its earlier recommendation that legislation be enacted to curtail abuse of the writ of habeas corpus by narrowing the area in which applications can be made to lower Federal courts to review commitments under final decisions of State courts. Two bills, S. 1011 and H. R. 8361, to carry out these recommendations were pending with the respective Senate and House Judiciary Committees when the session ended.

Public Defenders.

At its March 1957 meeting the Judicial Conference renewed its earlier recommendation that legislation be enacted to provide public defenders in the Federal courts or authorize payment of compensation to counsel appointed by the Federal courts to represent indigent defendants. H. R. 108 would carry out this recommendation. The Department has strongly favored this bill as well as H. R. 3791 which is different somewhat in text but identical in substance.

Appeals by United States in Criminal Cases.

The Department has transmitted proposed legislation to the Congress which would permit appeal by the Government from a judgment sustaining a motion to suppress evidence, even though an indictment had been returned or an information filed. At present such a decision rendered after an indictment or information has been filed is regarded as an interlocutory one in the criminal action, from which no appeal lies on behalf of the Government. The bill would also authorize appeals by the United States from decisions dismissing prosecutions during trial upon defendant's motions raising issues of law. This proposal introduced as H. R. 4753, is pending in the House Judiciary Committee.

Bailiffs, appointment by courts.

Under existing law (28 U. S. C. 755) bailiffs are appointed by the United States Marshal although by nature of their duties they are court attendants. H. R. 3815 would amend the present law so as to provide for appointment of bailiffs by district judges and

place them entirely under the supervision of the courts. Both the Judicial Conference and the Department favor enactment of this measure.

Administrative agencies, record on review.

The House passed H. R. 6788, a laudable measure designed to eliminate unnecessary expenditures of time and money in the review of agency orders by the courts of appeals. This bill was favored by the Judicial Conference and the Department. It would authorize the courts of appeals to adopt, with the approval of the Judicial Conference, rules prescribing the time and manner of filing and contents of the record in all proceedings instituted in the courts of appeals to review or enforce orders of administrative agencies, when the applicable statute does not specifically prescribe the time or manner of filing or the contents of the record. This bill would also provide for abbreviation of such records pursuant to rules of court, stipulation of parties, or court order.

Miscellaneous.

There are several other matters which are the subject of pending legislation which may be of interest.

H. R. 2516 and H. R. 4497 would increase from $3,000 to $10,000 the amount necessary to give the district courts jurisdiction of civil cases, including cases arising under the Constitution, laws and treaties of the United States (28 U. S. C. 1331), and cases involving diversity of citizenship (28 U. S. C. 1332). H. R. 4497 would also amend the law to provide that a corporation shall be deemed a citizen of the State in which it has its principal place of business as well as of the State of its incorporation. The Judicial Conference and the Department favor this legislation.

H. R. 4642 and S. 1890 would establish a Commission and Advisory Committee on International Rules of Judicial Procedure. The proposal would create an agency to study existing practices of judicial assistance and cooperation between the United States and foreign countries, and to make recommendation for the improvement of international practice and procedure in civil, criminal, admiralty, and quasi-judicial matters. This measure has received widespread support by the Department, the American Bar Association, and various local and international bar groups.

Special Sessions during a national emergency.

I cannot permit this occasion to pass without stressing once again a recommendation made in my report to the March 1957

Conference. This is to provide authority to permit special sessions of court anywhere within the district during a national emergency.

Uniform sentencing.

Last year at this conference I discussed rather briefly with you problems created by disparities in sentences for similar crimes given to individuals with substantially the same background and prior record. Since that time we have given considerable attention to this problem in the Department. We have held a number of staff meetings to consider alternative plans suggested from time to time for improving a situation which, as you know, has troubled a large number of Federal judges, as well as the Department.

We have had the advice, among others, of Judge Burdette Daniel of California, who worked with the Chief Justice when he was Governor in drafting the statutes establishing the California sentencing plan and the establishment of the Adult and Youth Authorities of that State. We have also studied the proposal of the American Law Institute that all felonies be grouped according to their seriousness and that the court be allowed to prescribe both an ordinary sentence and an extended term for the habitual or dangerous offender.

Various bills relating to sentencing procedures have been drafted and reviewed by a departmental staff group. Also, the Advisory Corrections Council, established by the Youth Corrections Act, has considered a number of proposals. Chief Judge John J. Parker and his committee on Punishment for Crime met with the Advisory Corrections Council, representatives of the Department, and myself to consider some suggested courses of action.

Among the proposed bills we have had under advisement is one which would make it possible for the courts more widely to share their responsibility with the Executive Branch for determining the amount of time a convicted offender should actually serve. This is accomplished by granting the courts discretionary authority to set a parole eligibility date at less than one-third the maximum sentence prescribed. The minimum sentence, however, could in no case be more than one-third the maximum.

Another bill embodying the principle of granting to the Executive Branch a more important role in the sentencing process would extend the Youth Corrections Act to include those up to 26 years

of age. If this were done, the courts could apply the more flexible principles of that Act to a larger group. As many of you will recall, the model Youth Corrections Act, as originally drafted by the American Law Institute, provided that it should be applied to all offenders up to 25 years of age who seem to have possibilities of rehabilitation. The present Federal Youth Corrections Act, which has worked so well, as recommended by the House and Senate Committees on the Judiciary encompassed youth up to and including age 23. The age limits, however, were reduced on the floor of the Senate on the suggestion of one of the Senators who thought it wise to proceed more slowly and offered an amendment, which was adopted, to include only those who had not passed their 22nd birth date. Now that we have had so satisfactory an experience with the Act, it may be possible to extend it to a larger group.

Another proposal is based on the assumption that an interchange of points of view between the various United States Judges would help to establish more generally accepted standards and policies of sentencing. The proposed bill would authorize the Judicial Conference to sponsor a series of institutes and joint councils for this purpose. These discussions would have as their objective the formulation of principles and criteria for sentencing that would assist in promoting equal administration of the criminal laws of the United States.

The bills embodying these proposals have been forwarded by the Advisory Corrections Council to Congressman Emanuel Celler, Chairman of the House Committee on the Judiciary, and Senator Thomas Hennings, Chairman of the Senate Subcommittee on National Penitentiaries, for their consideration. Congressman Celler introduced them in the House on July 31, and I understand they have been transmitted for study and comment to the Judicial Conference, to the Federal judges, to law school deans, teachers of criminal law, and a number of others who have given attention to this proposal. The Congressman has also invited other suggestions his committee might consider next year.

The Department has not yet reached a final conclusion as to the position we should take with regard to these bills.

Federal Youth Corrections Act.

In October 1956 District Courts west of the Mississippi River were authorized to invoke provisions of the Youth Corrections Act. Thus, nearly 6 years after this Act was approved by the

Congress, it became available to all the Judicial Districts within the territorial limits of the United States. Implementation of this program for the Western States posed numerous problems for the Director, Bureau of Prisons. The continued high level of population in all Federal institutions made it difficult to certify the availability of special facilities for persons committed under its provisions. Because of his keen interest in and understanding of the problems of youthful offenders, however, the Director took emergency measures to provide space and adequate staff at the Federal Correctional Institution, Englewood, Colo. In addition, the Bureau has taken steps to convert the Federal Prison Camp at Tucson, Ariz., from a facility used largely for Immigration Act violators to a center for the treatment and training of selected juvenile and youth offenders. The staffs at both Englewood and Tucson have been augmented with specialists, particularly interested and skilled in helping young delinquents.

Since the Act was implemented for the Courts east of the Mississippi River in January 1954, more than 1,500 youths under the age of 22 have been committed to our custody under its various provisions. During 1956, 387 youths were committed to us as youth offenders; in 1957 this number rose to 627. It is apparent that the Courts are availing themselves of the Act and we can expect an increasing number of youths in this age group to come to us for treatment and training under its provisions. Seventy-three of the 88 Judicial Districts in the United States have invoked the treatment and training provisions of the Act. In the short period between October 1956, when first available to judicial districts west of the Mississippi, to June 1957, 25 judicial districts out of a total of 33 had committed youths under the Act. To date, the Courts have committed some 135 young men for 60 days study and observation, at the conclusion of which a full report and recommendation is given the committing Judge. In these reports every effort is made to provide a full and comprehensive view of the offender's background, capabilities, mental attitudes and character traits. We are encouraged and pleased by the comments of the Judges who have availed themselves of these diagnostic services.

We regret that the current session of the Congress did not appropriate funds to begin construction of the Western Youth Guidance Center, which is so urgently needed. With funds appropriated for 1957, preliminary plans were drawn and the Site Selec-

tion Committee reviewed a number of proposals submitted by communities in the area tentatively selected for this facility. We are convinced that the continued increase in the use of the Youth Act by the Courts will impress upon the Congress the need for an additional institution for these offenders, and we expect to make our needs known when the Congress convenes again next year.

Rehabilitation of these youthful offenders requires the coordinated efforts of several agencies. The Probation Service, the Youth Division of the Board of Parole, and the Bureau of Prisons all are striving to improve their techniques in working with these persons. It is most encouraging to report that of about 600 youths authorized for release to June 30 only 125 had violated the conditions of their release.

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