REPORT OF THE JUDICIAL CONFERENCE

September Session, 1947

The Judicial Conference convened, pursuant to 28 U. S. C., § 218, on September 25, 1947, on the call of the Chief Justice, and continued in session until Saturday noon, September 27, 1947. The following judges were present:

The Chief Justice, Presiding.
District of Columbia, Associate Justice Harold M. Stephens.
First Circuit, Senior Circuit Judge Calvert Magruder.
Second Circuit, Senior Circuit Judge Learned Hand.
Third Circuit, Senior Circuit Judge John Biggs, Jr.
Fourth Circuit, Senior Circuit Judge John J. Parker.
Fifth Circuit, Senior Circuit Judge Samuel H. Sibley.
Sixth Circuit, Senior Circuit Judge Xenophon Hicks.
Seventh Circuit, Senior Circuit Judge Evan A. Evans.
Eighth Circuit, Senior Circuit Judge Archibald K. Gardner.
Ninth Circuit, Senior Circuit Judge Francis A. Garrecht.
Tenth Circuit, Senior Circuit Judge Orie L. Phillips.

Chief Justice D. Lawrence Groner of the United States Court of Appeals for the District of Columbia was unable to attend the Conference session because of illness. Associate Justice Harold M. Stephens attended in his place.

As guests of the Conference, Circuit Judges Albert B. Maris, of the Third Judicial Circuit; Thomas F. McAllister, of the Sixth Judicial Circuit; and Albert Lee Stephens, of the Ninth Judicial Circuit, attended various meetings of the Conference and participated in its discussions.

The Attorney General, accompanied by the Solicitor General, the Assistant Solicitor General, and Mr. Morrison of his staff, attended the opening meeting of the conference.

Henry P. Chandler, Director; Elmore Whitehurst, Assistant Director; Will Shafroth, Chief of the Division of Procedural Studies and Statistics; Edwin L. Covey, Chief of the Bankruptcy Division, and various members of their respective staffs, all of the Administrative Office of the United States Courts, were in attendance throughout the session.

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The Conference welcomed the new Senior Circuit Judge for the Eighth Judicial Circuit, Judge Archibald K. Gardner, succeeding Judge Kimbrough Stone, retired, and thereupon adopted the following resolution:

> In the retirement of Honorable Kimbrough Stone, this Conference loses the presence of one who has made an outstanding contribution to the work in which it is engaged. For more than a quarter of a century he has rendered distinguished service as a Judge of the Eighth Judicial Circuit; and as a Senior Circuit Judge his advice and assistance to this Conference have been of inestimable value. We extend to him our affectionate regards, and trust that his life may be extended for many years to come.

Statement of the Attorney General.—The Attorney General addressed the Conference concerning matters of interest to the federal judiciary. The judiciary was commended for its untiring efforts to maintain a currentness of docket in the face of a material increase in the work load, and a substantial shortage of manpower. Assurance was given that the present policy of the Department to exhaust every effort to have vacancies in the courts filled promptly would be continued, and, in addition, the wholehearted support and cooperation of the Department could be expected by the judiciary in its endeavors to have the additional judgeships deemed necessary to furnish the courts with adequate manpower provided for by law.

A review of the experiences had by the Department under the Federal Rules of Criminal Procedure (now a year and one-half old) indicated that, while there were still some "rough spots" prevalent in a few districts which present the Department with certain procedural difficulties under the rules, particularly Rule 7 (b) and Rule 20, the unanimity of the Federal District Courts becomes more widely publicized through decisions, these "spots" would be levelled off. Aside from these few minor exceptions, it was stated that the federal courts have uniformly carried out the objectives expressed in Rule 2 by assuring a "just determination of every criminal proceeding" and by construing the rules "to secure simplicity in procedure [and] fairness in administration."

A brief résumé of the Department's experiences under the recent Federal Tort Claims Act, and the Administrative Procedure Act was presented and satisfaction indicated with the existing situation.

Attention was called to the fact that by virtue of the termination of the Office of Price Administration, the Department had recently acquired responsibility for the handling of numerous cases pending in the courts; that to insure proper and equitable disposition of the cases, as well as an intelligent presentation, reasonable time was needed for the Department to familiarize itself with all the facts. In many instances, however, the courts have insisted on early trials despite the urgent requests of the Department for additional time, resulting in the Department's being forced to pursue a course of compromise rather than face the possibility of dismissal of the suits by the courts.

It was stated that several plans of procedure with respect of these cases were under consideration, and that the Department should, within a short time, be able to determine upon a policy of enforcement which would enable it to be in a position to dispose of these cases currently.

In view of these circumstances, the Attorney General urged that, in the meantime, every consideration be given their requests for reasonable extensions of time in these cases.

It was stated that the Department's interest in and desire for the early enactment of certain legislative proposals of the Conference continued, and that every assistance possible would be rendered in an effort to secure favorable action by the Congress at its next session. Specific reference was made to the Youth Authority Bill, the Uniform Federal Jury Bill, the codification and revision of the Criminal and Judicial Codes, and the bill providing for the care and custody of insane persons charged with or convicted of offenses against the United States.

Attention was called to the proposals of the Conference relating to the method of review of orders of the Interstate Commerce Commission and other administrative agencies. It was pointed out that while there was accord in the Department with the general objectives of the proposals, there were two changes from the Conference's recommendations which the Department had submitted to the Congress: One would provide that the Department of Justice would continue to have charge and control of the interests of the Government in suits to obtain judicial review of orders of the Interstate Commerce Commission. It was the opinion of the Attorney General that this would be in keeping with the recognized responsibility of the Department for the conduct of all Government litigation. The second would continue in effect the

present venue provisions, inasmuch as the Department felt that the applicant to the Commission, rather than the party bringing the suit to set aside the Commission's order, should be favored in the matter of venue.[1]

The Attorney General submitted, for the consideration of the Conference, recommendations concerning the adoption of uniform rules for all the Circuit Courts of Appeals regulating particularly the preparation and contents of printed records on appeal and of appellate briefs.

Administration of the United States Courts—Report of the Director of the Administrative Office of the United States Courts.—The Director submitted his eighth annual report reviewing the activities of his office for the fiscal year ended June 30, 1947, including the report of the Division of Procedural Studies and Statistics. The Conference approved the report and ordered its prompt release for publication. The Director was authorized to include additional statistical information, not now available, and to make corrections of any minor errors in the present report, in the printed edition of the report to be issued later.

State of the Dockets of the Federal Courts—Circuit Courts of Appeals.—There has been a declining trend in the number of cases filed in the Circuit Courts of Appeals since 1940. The number of cases begun in the fiscal year 1947, 2,615, was only 12 less than in 1946, and the number of cases terminated slightly exceeded those commenced. The great increase since 1944 in the number of civil cases filed in the District Courts, due to actions brought by the Office of Price Administration, and in 1947 to the increase in private cases, has not been reflected in the Circuit Courts of Appeals. Administrative appeals, of which those from the Tax Court constitute more than a half and those from the National Labor Relations Board more than a quarter, are about 15 percent of the total.

A slightly smaller number of petitions to the Supreme Court for review on certiorari to the Circuit Courts of Appeals were filed in 1947 than in the previous year. About one-sixth of the petitions for review in cases from the Circuit Courts of Appeals which were passed upon by the Supreme Court during the year were granted. The median time from docketing to disposition of cases terminated in the Circuit Courts of Appeals after hearing or submission was 6.9 months, and the median time from submission to decision was a month and a half, approximately the same in both

[1] See p. 19, infra.

instances as in the preceding year. From docketing in the lower court to decision in the Circuit Courts of Appeals the interval was 21.1 months.

District Courts.—A decided decrease occurred in the number of civil cases commenced in the District Courts in 1947 as compared with 1946. This was caused mainly by a sharp drop from 31,252 to 15,203 in the number of cases brought by the Office of Price Administration and its successors for injunctions and treble damages. From the standpoint of the workload of the courts, the substantial increase in private cases is more significant, because a larger proportion of them reach trial and they more often involve complicated questions of law. The total of 29,122 private cases begun during the year, which includes 7,719 from the District of Columbia, where the court has local as well as federal jurisdiction, was almost 7,000 larger than in 1946.

Cases terminated were about 4,000 less than cases commenced, with a resultant increase of like amount in the number pending at the end of the year. The trend in the number of civil cases commenced and terminated annually for the past 5 years is shown by the following table:

	Commenced	Terminated	Pending
Fiscal year ended on June 30—			
1943	36,789	36,044	29,927
1944	38,499	37,086	31,340
1945	60,965	52,300	40,005
1946	67,835	61,000	46,840
1947	58,956	54,515	51,281

It will be noted that the number of civil cases filed has exceeded the number terminated in each of the past 5 years. The number pending at the end of 1947, which included a substantial number of cases involving price regulation, was greater than at any time during the last 20 years.

The "portal-to-portal" litigation swelled the total in 1947 by 2,239 cases. Only about 10 percent of these cases were dismissed or otherwise disposed of before June 30, 1947. There was an increase in other Fair Labor Standards Act cases, Jones Act cases involving injuries to seamen, diversity of citizenship cases, and admiralty proceedings. The decline in patent, copyright, and trade-mark cases, which occurred during the war, has stopped and their numbers are now increasing. The steady growth in the vol-

ume of Employers' Liability Act cases for injuries to railroad employees has continued. These cases are largely concentrated in a few districts. The general trend has been toward a return to prewar types of litigation. The Federal Tort Claims Act has produced a total of 675 new cases.

The median interval from filing to disposition of civil cases terminated after trial (excluding land condemnation, forfeiture, and habeas corpus cases) was 9.0 months and the like period from issue to trial was 5.1 months, about the same as in 1946. Approximately one-third of the civil cases tried are disposed of within 6 months after filing.

The number of criminal cases filed was slightly larger in the fiscal year 1947 than in 1946, and the cases closed exceeded the number filed. Of 8,124 cases pending on June 30, 1947, 2,216 were cases in which fugitive defendants were involved, leaving a remainder of 5,908 disposable criminal cases on the dockets. Defendants charged in Selective Service Act cases and Office of Price Administration cases were much fewer than in the previous year. On the other hand, the number of defendants in Dyer Act cases for the interstate theft of automobiles and the number charged with other theft or with fraud, increased.

Indictment was waived in 6,726 cases and there were 911 transfers from one district to another for plea and sentence. The provisions of the new criminal rules which authorize these procedures are valuable tools for the elimination of unjustifiable expense and delay in criminal cases.

New bankruptcy cases increased from 10,196 in 1946 to 13,170 in 1947, ending the wartime decline in this type of proceeding, and indicating the probability of an increasing trend. The number of cases terminated slightly exceeded those commenced, leaving 17,296 cases pending as of June 30, 1947, which is the smallest pending load of bankruptcy cases for more than a quarter of a century.

Special Courts.—No very significant change in the flow of business in the special courts was reported by the Director. In the Court of Customs and Patent Appeals, the number of customs appeals docketed decreased, and the number of patent appeals increased, reversing the trend of the previous year. The Customs Court disposed of more classification and appraisal cases during the year than were filed, with the result that the number of pending cases in those principal categories was substantially reduced. The number of new cases brought in the Court of Claims was 10

percent less in 1947 than in 1946. There was a considerable number of class cases on the docket at the end of the year, which will be determined by a few test cases. In addition, there were 554 cases for separate trial pending at the end of 1947, compared with 482 such cases at the end of the previous year.

The Emergency Court of Appeals received appeals in 68 cases during the year compared with 114 in 1946. It disposed of 120 cases, leaving 32 pending at the end of the year. Some new cases are still being filed, but, as the result of the elimination of price regulations and controls with the liquidation of the Office of Price Administration, the business of the court has considerably decreased.

Additional Judges.—After consideration of the report of the Director of the Administrative Office and the statements of the several Circuit Judges concerning the work of the courts in their particular circuits, the Conference took the following action with respect to providing for additional judgeships within the federal judiciary:

Circuit Courts:

Renewed its previous recommendations calling for the appointment of one additional judge to the United States Circuit Court of Appeals for the Seventh Judicial Circuit.

District Courts:

Southern District of New York: Renewed its previous recommendations providing for the repeal of the prohibition against filling the vacancy resulting from the retirement of the late Judge Woolsey, and recommended the creation of two additional permanent judgeships.

District of New Jersey: Renewed its previous recommendation providing for an additional judge.

Western District of Pennsylvania: Renewed its previous recommendation providing for the appointment of two additional district judges on a temporary basis.

Eastern District of Pennsylvania: Recommended the creation of an additional judgeship.

Northern and Southern Districts of Florida: Recommended the creation of a permanent judgeship for service in both districts.

Northern District of Georgia: Recommended the present temporary judgeship in this district be made permanent.

Eastern and Western Districts of Missouri: Renewed its previous recommendation to make permanent the last created judgeship in this district.

Northern District of California: Renewed its previous recommendation providing for the creation of an additional judgeship.

Assignment of Judges.—The Director commented upon the new plan of procedure adopted by the Conference [2] with respect to the manner of assignment of judges for service outside their particular circuit, and stated that, inasmuch as the plan had not become effective until after the commencement of the present fiscal year, the actual experience gained thereunder was not sufficient to base a determination as to the adequacy of the new procedure. However, he was considerably encouraged with the reaction had so far and was of the opinion that, in the event the present cooperative attitude continued, the full fiscal year will reflect a substantial increase in the amount of service rendered in districts in which there is congestion by district judges from other circuits on temporary assignment.

In this connection, it was pointed out that in many instances district judges available for outside assignments are reluctant to accept such assignments because of the existing high cost of personal services, i. e., hotel accommodations, meals, etc., which would result in a considerable out-of-pocket cost to them due to existing statutory limitations on the amount allowable for expenses.

The Conference thereupon resolved that this situation be brought to the attention of the Congress with the recommendation of the Conference that the present statutory maximum per diem allowance of $10 per day for judges accepting service outside their own circuit upon designation by the Chief Justice be increased to $15 per day.

Salaries of Supporting Judicial Personnel.—The Committee on Salaries of Supporting Personnel of the Courts, through its Chairman, Judge Biggs, reported that during the past session of the Congress legislation providing the necessary basic legislative authority for the employment of secretaries to judges had been enacted.

The legislative proposal, previously approved by the Conference,[3] under which the annual salaries for the Director and the Assistant Director of the Administrative Office of the United States

[2] Conf. Rpt., Oct. 1946, p. 23.
[3] Conf. Rpt., Oct. 1946, p. 25.

Courts would be increased to $15,000 and $12,500, respectively, has not, as yet, been considered by the Congress. Whereupon, the Conference directed that the Committee on Salaries of Supporting Personnel of the Courts exert every effort to secure the enactment of legislation toward this end during the next session of the Congress.

Court Reporters.—The Conference considered the report and recommendations of the Committee on the Court Reporting System.

The Committee had heard representatives of the court reporters and considered their recommendations. It also had studied in detail the reports of earnings of the reporters in each district, assembled by the Administrative Office, and had considered in this light requests for increases in salaries and transcript rates brought to its attention.

The Conference concurred in the conclusion of the Committee that the reported earnings of the reporters do not indicate that the present salaries or transcript rates are too high. It also agreed with the Committee that in some few instances of very long trials involving large amounts of daily copy transcript and multiple copies, the transcript rate fixed has permitted earnings of sums that seem larger than reasonable compensation. It was the sense of the Conference that this matter is in general sufficiently covered by the regulation adopted at its September 1945,[4] session, providing that daily copy transcript rates may be fixed by agreement, subject to the approval of the court, at not to exceed in any case twice the regular rate, but that in cases where daily copy is ordered, care should be taken by the District Courts not to permit the charging of rates that will result in excessive compensation for the services rendered, even though agreed to by the parties.

The Conference concluded that this should be again brought to the attention of the District Courts, and recommended that in the exercise of their power to approve agreements for rates for daily copy, in especially long cases, the courts take into account the conditions affecting the earnings, in particular, the probable length of the transcript and the number of copies to be paid for, and limit the rates so approved to such amounts as will provide no more than reasonable compensation. Since this can be done with fuller knowledge at the end of a case than at the beginning,

[4] Conf. Rpt., Sept. 1945, p. 11.

the Conference suggested that the courts postpone the final determination of appropriate rates in such cases until they are concluded, with provision for the making of progress payments as the proceedings advance, as in the case of receiverships and special masterships.

The following changes in salaries of court reporters in specific districts, to become effective as soon as the state of the appropriations for the court reporting system will reasonably permit, recommended by the Committee were approved by the Conference:

Southern District of Iowa: Salary of the Reporter increased from $3,600 to $4,000 per annum.

Third Division of the District of Alaska: Salary of the Reporter, acting also as secretary to the Judge, increased from $4,500 to $5,000 per annum.

The following new transcript rates, effective as of November 1, 1947, were authorized and approved by the Conference:

District	Rate	
	Original	Copies
Eighth Circuit:		
Arkansas:		
Eastern	$0.40	$0.15
Western	.40	.15
Iowa:		
Northern	.40	.15
Southern	.40	.15

The Conference disapproved the proposal that there be granted a general increase of 15 percent in the salaries of court reporters.

The Conference approved the recommendation of the Committee that the reporters be required to continue to submit reports of their private earnings.

Bankruptcy Administration.—The report of the Committee on Bankruptcy Administration was submitted to the Conference by its Chairman, Judge Phillips. The Conference, with respect to changes in refereeships, territories, salaries, places of holding court, regular place of office, and related matters, took the following action:

FIRST CIRCUIT

District

Massachusetts: Designated Boston as the regular place of office for all referees in the district.

Designated Brockton, Greenfield, and Pittsfield as additional places of holding court.

Authorized the continuation of offices at Worcester and Fall River with the understanding that no staffs would be maintained in such offices.

SECOND CIRCUIT

District

New York—Western: Designated Batavia, Lockport, and Jamestown as additional places of holding court for the referee at Buffalo.

Added Alleghany County to the territory to be served by the referee at Buffalo.

Designated Geneva and Elmira as additional places of holding court for the referee at Rochester.

Eastern: Adopted the Committee's recommendation that no change with respect to the number and location of referees be made at this time.

Vermont

Designated St. Johnsbury as a place of holding court for the referee at Burlington in place of Barre.

THIRD CIRCUIT

District

New Jersey: Designated Trenton as the regular place of office for one of the full-time referees now located at Newark.

Pennsylvania—Middle: Removed Blair County from the territory to be served by the referee at Harrisburg.

Western: Added Blair County to the territory to be served by the referee at Ebensburg.

Eastern: Designated Easton as an additional place of holding court for the referee at Reading.

FOURTH CIRCUIT

District

Maryland: Added Baltimore City to the territory to be served by the referee at Baltimore.

Virginia—Western: Designated Covington and Charlottesville as additional places of holding court for the referee at Staunton.

South Carolina—Western: Authorized change in the regular place of office for the referee in this district from Greenville to Spartanburg.

FIFTH CIRCUIT

District

Texas—Northern: Approved the Committee's recommendation that no change be made at the present time in the number, salaries, territories, or regular place of office of the referees in this district.

Southern: Deleted as unnecessary specific mention of Lavaca County from the territory to be served by the referee at Corpus Christi.

Mississippi—Southern: Authorized the appointment of a part-time referee for term expiring June 30, 1949, at a salary of $2,000 per annum to fill an existing vacancy in this district.

SEVENTH CIRCUIT

District

Illinois—Northern: Authorized change in the regular place of office for the part-time referee at Geneva to Joliet.

Authorized change in the regular place of office for the part-time referee at Rockford to Dixon, and designated Dixon as an additional place of holding court.

Indiana—Northern: Authorized change in the regular place of office for the referee at Hammond to Gary, and designated Gary as an additional place of holding court.

Wisconsin—Eastern: Designated Racine as a place of holding court in place of Kenosha.

Western: Designated Eau Claire as an additional place of holding court for the referee at La Crosse.

EIGHTH CIRCUIT

District

Minnesota: Authorized change from a part-time to a full-time basis for the referee at Minneapolis, and a salary of $9,000 per annum effective July 1, 1948.

NINTH CIRCUIT

District

Nevada: Authorized change in the regular place of office of the referee from Reno to Carson City, and designated Carson City as an additional place of holding court.

Authorized an increase in the salary of the part-time referee for this District to $1,800 per annum, effective October 1, 1947.

Washington—Western: Adopted the Committee's recommendation that no change in the number and location of referees in this district be made at the present time.

The recommendations of the Committee that resurveys be conducted in the Northern District of Iowa, the District of Arizona, and the Southern District of California were approved by the Conference. The Director was authorized to make any resurveys during the ensuing year which, in his opinion, were called for, and the Conference directed that upon the completion of such surveys a report thereof, together with recommendations of the Director, be submitted by mail to the members of the Conference Committee on Bankruptcy Administration and the members of the Conference for consideration.

The following regulation, relating to filing fees in reopened cases, which had been submitted by the Director to the Committee for consideration, was recommended by the Committee for adoption by the Conference:

> There shall be deposited with the clerk, at the time a petition is filed to reopen any closed bankruptcy proceeding (a) $17 for each estate for the referees' salary fund; (b) $15 for each estate for the referees' expense fund; (c) $5 for each estate for the trustee's fee; (d) $8 for each estate for the clerk's filing fee. Where applicable, all additional and special charges prescribed by the Judicial Conference of Senior Circuit Judges, pursuant to Section 40c (2) and 40c (3) of the Bankruptcy Act, as amended, shall also be charged for the referees' salary and expense funds respectively.

It was pointed out that at the present time no provision is made for the collection of filing fees in this character of case; that, generally, the purpose is to clear title to real estate, and it is quite often necessary to call a meeting of the creditors, elect a trustee, and authorize such action by the trustee as the circumstances may require. In order to meet the expense incident to such procedures, and to provide for an equitable contribution to the referees' salary fund for services actually rendered, a schedule fixing the fees applicable in such cases is necessary.

The recommendations of the Committee were adopted, and the Conference directed that the foregoing regulation be made effective as promptly as possible.

The question of exempting the Reconstruction Finance Corporation from the payment of special charges in bankruptcy cases

fixed pursuant to Sec. 40c (3) of the Bankruptcy Act, as amended, was submitted by the Committee without recommendation. The matter was passed by the Conference without action, it being the sense of the Conference that such exemption should be provided for by legislative, rather than Conference, action.

The Committee's recommendation that upon the transfer of a Chapter X proceeding to a regular bankruptcy proceeding an additional charge of $15 be paid by the trustee out of the assets of the estate to the clerk of the court for deposit to the credit of the Referees' Expense Fund in the United States Treasury was concurred in by the Conference.

In view of the changed conditions and circumstances which necessitated a revision in the estimates of income and expense requirements of the Referees' Salary Fund and the Referees' Expense Fund, respectively, the Conference approved a change in the allocation of the additional charges assessed in asset cases under Section 40c (2) so that, effective as to all cases filed on and after January 1, 1948, a sum equal to 1½ percent of the additional charges assessed will be allocated to each of the funds.

The Committee reported that, pursuant to instructions of the Conference,[5] its proposal to amend § 64b of the Bankruptcy Act, as amended, had been submitted to the Judicial Councils of the various circuits and had received endorsement of a substantial majority of the circuits. In view of this, and in the light of the Committee's further deliberations, the Committee reiterated its previous recommendation to the effect that § 64b of the Bankruptcy Act, as amended, be amended to read as follows:

> SEC. 64b. Debts [contracted] *incurred* while a discharge is in force or after the confirmation of an arrangement shall, in the event of a revocation of the discharge or setting aside of the confirmation *for fraud, or in the event an order is entered directing that bankruptcy be proceeded with in a case in which the court has retained jurisdiction and supervision over the affairs of the debtor while the confirmation of a plan* or arrangement is in effect, have [priority] *precedence* and be paid in full in advance of the payments of the debts which were provable in the bankruptcy or arrangement proceeding, as the case may be. *In the payment of such interim debts the priorities prescribed in subdivision a of this section shall be applicable; and for such purpose the date of the entry of the order revoking the discharge or setting aside the confirmation of an arrangement or ordering that bankruptcy be proceeded with shall be deemed to be the date of bankruptcy.*

[5] Conf. Rpt., Oct. 1946, p. 15.

When in a proceeding under Chapters X, XI, XII, or XIII of this Act a plan or arrangement has been confirmed under which the court has not retained jurisdiction and supervision over the affairs of the debtor while the confirmation of the plan or arrangement is in effect, and thereafter because of a default in carrying out its terms an order is entered directing that bankruptcy be proceeded with, the date of the entry of the order shall be deemed to be the date of bankruptcy as to interim debts, and the priorities prescribed in subdivision a of this section shall be applicable. Creditors affected by the plan or arrangement in such proceedings shall be creditors only to the extent provided in the plan or arrangement, less any payments made upon their claims thereunder and shall share on the same footing as the interim creditors not entitled to priority under subdivision a of this section. [Material to be deleted from present Act in brackets; new language in italics.]

The Conference approved the Committee's recommendation and directed that the proposed amendment be submitted to the Congress with recommendation of the Conference for its enactment.

Upon recommendation of the Committee, the Conference disapproved the provisions of H. R. 3085, 80th Congress, insofar as they seek to amend § 61 of the Bankruptcy Act, as amended, relating to the requirement that depositaries designated to receive bankruptcy funds shall secure such funds by the deposit of approved securities or furnish approved surety.

The Committee proposed an amendment to § 58d of the Bankruptcy Act, as amended, under which the present mandatory provisions concerning the publication of notice of the first meeting of the creditors would be made discretionary. It was submitted that inasmuch as § 58a makes mandatory the mailing of such notice to all creditors, the present requirement of publication is, in almost all cases, superfluous, and is not of sufficient value to warrant the expense and the inconvenience and annoyance involved. It was pointed out that the adoption of the proposed modification would not only result in substantial economies in operation, but would relieve the referees of the difficulties which they are now encountering in attempting to comply with the involved and complex rules governing the printing of such notices at government expense.

The Conference approved the Committee's recommendation, and directed that the proposed amendment be submitted to the Congress with recommendation by the Conference for its enactment.

The resignations as members of the Conference Committee on Bankruptcy Administration of Judge Jerome Frank and Judge

William C. Coleman were submitted by the Committee's Chairman, Judge Phillips. After a vote of thanks by the Conference for the service rendered, the resignations were accepted, and the Chief Justice was authorized to appoint two new members to the Committee to fill the vacancies created.

Probation-Specific Problems of Juvenile Delinquency.—The Director of the Administrative Office reviewed the report submitted by the Conference Committee on Probation with Special Reference to Juvenile Delinquency and, pursuant to his recommendation, the Conference directed that the report of the Committee be circulated throughout the judiciary as information, and for the purpose of discussion at the judicial conferences of the various circuits.

Criers and Bailiffs.—The Director of the Administrative Office presented the problems confronting him with respect to the allocation of funds for criers for the various courts in view of the limitations of the appropriations for such services. He stated that while under the statute all district judges are entitled to have this form of service, the funds appropriated therefor are not sufficient to provide for such a number. In view of this situation, the Director has been, so far as available funds will permit, filling requests for this type of service on the basis of the order in which such requests are received.

It was the sense of the Conference that the Director was pursuing the only equitable course open to him under the circumstances. It was emphasized that the provisions of the statute, as well as the fact that the duties of bailiffs under the marshals are being absorbed in many instances by the criers, should be brought to the attention of the Congress in the hope that ample funds will be made available to provide a full complement of this type of officers for the courts.

Ways and Means of Economy in the Operation of the Courts.—The report of the Committee on Economies in Judicial Administration of the Judicial Conference of the Eighth Judicial Circuit was considered by the Conference, whereupon, the Conference, without objection, adopted the following resolution:

> *Resolved.*—That the Judicial Conferences of the various circuits which have not already done so are requested to make a study of possible economies in operation similar to the study made in the Eighth Judicial Circuit and, upon completion thereof, submit a report with recommendations for the consideration of the Conference, and that

A committee of the Conference be appointed by the Chief Justice for the purpose of bringing together and coordinating the information so secured, and compiling and submitting a report with recommendations to the Conference at its next regular session.

The Director of the Administrative Office was directed to circulate the report of the Conference Committee of the Eighth Judicial Circuit throughout the judiciary.

Habeas Corpus.—Judge Parker, Chairman of the Conference Committee on Habeas Corpus, reported that, pursuant to Conference direction,[6] the proposed statutes relating to Habeas Corpus heretofore considered by the Conference had been submitted to all the Circuit and District Judges of the United States. The response thereto indicated that a substantial majority of the judges favored most of the features of the proposed statutes, but a considerable number were opposed to the provision for a three-judge court in certain cases.

Since the special meeting of the Judicial Conference of Senior Circuit Judges last April, the House of Representatives has passed a bill, H. R. 3214, revising the Judicial Code, and this bill is now before the Senate Judiciary Committee for consideration. Chapter 153 of that codification deals with the subject of habeas corpus and incorporates most of the provisions contained in the proposals considered by the Conference and the judiciary.

Because of the importance of securing some legislation along the lines of the Conference proposals, it was the sense of the Committee that it would be advisable to abandon, at least for the present, further consideration of the proposed statutes, and join in recommending the adoption of the provisions of Chapter 153 of H. R. 3214, with the exception of two sections thereof, viz. 2244 and 2254. These sections deal with the finality of determination, and remedies in the State Courts, respectively. The Committee submitted for consideration amendments to these sections and recommended their adoption.

Upon consideration of the Committee amendments, and the present provisions of §§ 2244 and 2254 of Chapter 153 of H. R. 3214, the Conference recommended that the present language of these sections be stricken and, in lieu thereof, the following be adopted:

[6] Conf. Rpts., 1943, pp. 22, 23; 1944, p. 22; 1945, p. 28; 1946, p. 21.

§ *2244. Finality of Determination.*

No circuit or district judge or district court shall be required to entertain any application for a writ of habeas corpus to inquire into the detention of any person pursuant to a judgment of any court of the United States or of any State, if it appears that the legality of such detention has been determined by a judge or court of the United States on a prior application for a writ of habeas corpus and the petition presents no new ground not theretofore presented and determined, and the judge or court is satisfied that the ends of justice will not be served by such inquiry.

§ *2254. State Custody-Remedies in State Courts.*

An application for writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a state court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the state or that there is no adequate remedy available in such courts. An applicant shall not be deemed to have exhausted the remedies available in the courts of the state, within the meaning of this section, if he has the right under the law of the state to raise the question presented by any available procedure. The phrase "no adequate remedy" as used in this section means the absence of state corrective process or the existence of exceptional circumstances rendering such process ineffective to protect the rights of the prisoner.

The recommendations of the Committee to desist from further efforts to obtain the enactment of the statutes as heretofore considered by the Conference were approved, and the Conference directed that the Congress be informed of its interest in the enactment of Chapter 153 of H. R. 3214 with §§ 2244 and 2254 thereof amended as hereinabove recommended.

The Conference considered a proposal that 18 U. S. C. § 709a be amended to provide that a defendant resentenced, after a void sentence has been imposed, should be given credit for the time served under the void sentence. Since § 709a has been construed to provide that the new sentence begins to run from the time the defendant is received at the place of confinement for service of the new sentence (*Meyers* v. *Hunter* [10 Cir.] 160 F. 2d 344; *DeBenque* v. *U. S.* 66 App. D. C. 36, 85 F. 2d. 202) it was the opinion of the Conference that the judges in fixing the term of a resentence will take into consideration time served under the void sentence, and that such amendment is unnecessary.

Review of Orders of the Interstate Commerce Commission and other Administrative Agencies, and Procedure for Three-Judge

Courts.—At its October 1946 session the Conference approved three legislative proposals, one with respect to review of certain orders of the Interstate Commerce Commission and the United States Maritime Commission, one with respect to review of certain orders of the Federal Communications Commission and the Secretary of Agriculture, and one amending certain provisions of the Urgent Deficiencies Act, and providing a uniform procedure for constituting three-judge district courts.[7]

The Chairman of the Conference Committee on Review of Orders of the Interstate Commerce Commission and Other Administrative Agencies, Judge Phillips, submitted the report of the Committee concerning the status of these Conference proposals. The Conference was informed that the proposals had been introduced in the House of Representatives as H. R. 1468, H. R. 1470, and H. R. 2271, and referred to the Committee on the Judiciary. Hearings on the bills were held by a subcommittee of the Committee on the Judiciary, and after the adoption of two minor amendments, which in nowise affected the substance of the bills, the full Committee ordered the bills reported favorably. However, in seeking the attitude of the Attorney General with respect to the proposals, the Committee was informed that the Department favored two amendments to the bills, and because of the Committee's desire to hear the Attorney General on the two amendments, report of the bills was postponed.[8]

The amendments proposed by the Department of Justice would (1) make the United States, rather than the administrative agency, the respondent in proceedings for review, and give the Attorney General, rather than the administrative agency which entered the order, charge and control of the defense of review proceedings under the act, and (2) would change the venue section and fix the venue in the Circuit in which the party upon whose petition the order was made by the administrative agency has his residence, rather than the Circuit in which the petitioner for review resides.

The Committee of the Conference in recommending disapproval by the Conference of the Department's proposals reported, with respect to the first amendment, that—

> We believe that the provision for unqualified right of intervention by the United States adequately protects the public interest and properly leaves the defense of the order chal-

[7] Conf. Rpts., 1945, pp. 17, 18; 1946, pp. 16, 17.

[8] With respect to the position of the Department of Justice concerning the two amendments, reference is made to the statement of the Attorney General.

> lenged on review proceedings to the administrative agency which entered the order. Counsel for the administrative agency are usually experts in the field, and, in the normal case, take the laboring oar in the defense of proceedings challenging an order. When, in an exceptional case, it is deemed necessary in the public interest for the United States to become a party to the proceeding, the right of intervention is absolute, and the Department of Justice may intervene in the proceeding in behalf of the United States.

and, with respect to the second amendment, that—

> In the first place, it will not cover all cases which will arise. The administrative agencies make many orders in proceedings initiated by the agencies. In such cases, there is no "party upon whose petition the order was made." The old venue provision was involved and presented many problems of interpretation. The venue provision proposed by your committee is plain and presents no problems of interpretation. To draw a venue provision making the residence of the party on whose application the order is entered determinative of venue, and then providing for the exceptions, or, in other words, improving the phraseology of the existing venue provision, would be most difficult. Your committee undertook to do that, and, after careful study, abandoned the effort and decided to make the residence of the petitioner for review determinative of venue. Once an order has been entered by the agency, the burden of defending litigation challenging the order is carried either by counsel for the agency, or by the Department of Justice or both. The party on whose application the order is entered in the vast majority of cases is merely a nominal party.

Whereupon the Conference reaffirmed its approval of the legislative proposals previously recommended, and disapproved the amendments suggested by the Attorney General to the Congress.

Codification and Revision of the Judicial Code.—Judge Maris, Chairman of the Conference Committee on the Codification and Revision of the Judicial Code, submitted a report of the Committee and reviewed the work of the Committee during the past year. A bill, incorporating the proposed revision of the Code, passed the House on July 7, 1947, and has been referred to a subcommittee of the Committee on the Judiciary of the Senate. It is expected that early hearings will be had on the bill.

The Conference reiterated its approval of the movement to codify and revise the Judicial Code, and directed that the Conference Committee continue to cooperate with the Congress to this end.

Postwar Building Plans for the Quarters of the United States

Courts.—The report of the Committee on Postwar Building Plans for the Quarters of the United States Courts was submitted and discussed by the Director of the Administrative Office.

After consideration by the Conference of the proposals set forth by the Commissioner of Public Buildings, with respect to the "minimum standards in nondomiciled installations," and of the Committee's report, the Conference disapproved the proposal of the Commissioner to reduce the public space in the courtrooms in such installations from 80 seats to 48 seats, and requested the Public Buildings Administration to provide facilities for the courts that are adequate.

Admiralty Rules—Amendments.—At the October 1946 Session of the Conference, the Committee to Consider the Amendments of the Admiralty Rules [Rules 51, 52, 53, and 54] proposed by the Maritime Law Association of the United States, submitted its report and stated that, with the exception of certain amendments adopted by the Committee which were mainly for the purpose of clarification, the recommendations of the Committee, in substance, followed the proposals of the Maritime Law Association of the United States. The general purpose of the amendments is to provide uniformity in limitations. The Conference requested the Committee to amend its proposed Rule 54 by adding a provision that would permit the court, in its discretion, to transfer the proceedings to any district for the convenience of the parties, and that further report thereon be submitted to the Conference.

The Committee reported that it had considered the amendment to Rule 54 proposed by the Conference, and was in accord therewith; also, that the proposed amendment had the approval of the Maritime Law Association.

The Conference thereupon concurred in the Committee's proposals, and recommended that Rules 51, 52, 53, and 54 of the Supreme Court Rules on Admiralty be amended to read as follows:

> RULE 51. *Limitation of Liability—How Claimed.*—The owner or owners of any vessel who shall desire to claim the benefit of limitation of liability provided for in the third and fourth sections of the Act of March 3, 1851, entitled "An Act to limit the liability of shipowners and for other purposes" (Sections 183 to 189 of Title 46 of the U. S. Code) as now or hereafter amended or supplemented, may file a petition in the proper District Court of the United States, as hereinafter specified. Such petition shall set forth the facts and circumstances on which limitation of liability is claimed, and pray

proper relief in that behalf. It shall also state facts showing that the petition is filed in the proper district; the voyage on which the demands sought to be limited arose, with the date and place of its termination; the amount of all demands including all unsatisfied liens or claims of lien, in contract or in tort, arising on that voyage, so far as known to the petitioner, and what suits, if any, are pending thereon; whether the vessel was damaged, lost or abandoned, and, if so, when and where; the value of the vessel at the close of the voyage or, in case of wreck, the value of her wreckage, strippings or proceeds, if any, and where and in whose possession they are; and the amount of any pending freight recovered or recoverable. If any of the above particulars are not fully known to the petitioner, a statement of such particulars according to the best knowledge, information, and belief of the petitioner shall be sufficient. With his petition the petitioner may, if he so elects, file an interim stipulation, with sufficient sureties or an approved corporate surety, for the payment into court whenever the court shall so order, of the aggregate amount of the value of petitioner's interest in the vessel at the close of the voyage or, in case of wreck, the value of the wreckage, strippings or proceeds, and of any pending freight recovered or recoverable, with interest at six percent per annum from the date of the stipulation, and costs. If such interim stipulation is filed, it shall be accompanied by an affidavit or affidavits of a competent person or persons corroborating the statement in the petition as to value of the vessel, or her wreckage, etc., and her freight. Said court, having caused due appraisement to be had of the value of petitioner's interest in the vessel, or her wreckage, etc., and her freight shall make an order for the payment of the same into court, or for the giving of a stipulation, with sufficient sureties or an approved corporate surety, for the payment thereof into court with interest at six percent per annum from the date of the stipulation, whether interim or final, and costs, whenever the same shall be ordered; or, if the petitioner shall so elect, the court without such appraisement shall make an order for the transfer by the petitioner of his interest in such vessel, or her wreckage, etc., and freight to a trustee to be appointed by the court under the fourth section of said Act.

If a surrender of petitioner's interest in the vessel or her wreckage, etc., is offered to be made to a trustee, the petition must further show any prior paramount liens thereon, and what voyage or trips, if any, she has made since the voyage or trip on which the claims sought to be limited arose, and any existing liens arising upon any such subsequent voyage or trip, with the amounts and causes thereof, and the names and addresses of the lienors, so far as known; and whether the

vessel sustained any injury upon or by reason of such subsequent voyage or trip.

Upon the filing of such interim stipulation, or upon determination of value by appraisal and compliance with the court's order with respect thereto, or upon compliance with a surrender order, as the case may be, the court shall issue a monition against all persons asserting claims in respect to which the petition seeks limitation, citing them to file their respective claims with the Clerk of said court and to serve on or mail to the proctors for the petitioner a copy thereof on or before a date to be named in said writ which shall be not less than 30 days after issuance of the same, which time the court, for cause shown, may enlarge.

Notice of the monition shall be published in such newspaper or newspapers as the court by rule or order may direct in substantially the following form, once in each week for four successive weeks before the return day of the monition:

UNITED STATES DISTRICT COURT

DISTRICT OF

NOTICE OF PETITION FOR EXONERATION FROM OR LIMITATION OF LIABILITY

(Filed .....)

Notice is given that ..... has filed a petition pursuant to Title 46, U. S. Code, §§ 183–189, claiming the right to exoneration from or limitation of liability for all claims arising on the voyage of the vessel..... from ..... to ..... terminating on.....

All person having such claims must file them, under oath, as provided in United States Supreme Court Admiralty Rule 52, with the Clerk of this Court, at the U. S. Court House at ..... and serve on or mail to the petitioner's proctors ..... at ..... a copy on or before ..... or be defaulted. Personal attendance is not required.

Any claimant desiring to contest the claims of petitioner must file an answer to said petition, as required by Supreme Court Admiralty Rule 53, and serve on or mail to petitioner's proctors a copy.

.....
U. S. Marshal.

The petitioner not later than the day of second publication shall also mail a copy of the above notice (copy of the monition need not be mailed) to every person known to have made any claim against the vessel or the petitioner arising out of the

voyage or trip on which the claims sought to be limited arose. In cases involving death a copy of such notice, together with a copy of Rule 52, shall be mailed to the decedent at his last-known address, and also to any person who shall be known to have made any claim on account of such death.

The said court shall also, on the application of the petitioner, make an order to restrain the further prosecution of all and any suit or suits against the petitioner and/or said vessel in respect to any claim or claims subject to limitation in the proceeding.

RULE 52. *Filing and Proof of Claim in Limited Liability Proceedings.*—Claims shall be filed with the Clerk of the Court in writing under oath and a copy shall be served upon the proctor for the petitioner on or before the return day of the monition. Each claim shall specify the various allegations of fact upon which the claimant relies in support of his claim, the items thereof, and the dates on which the same accrued. Within thirty days after the return day of the monition or within such time as the Court thereafter may allow, the petitioner shall mail to the proctor for each claimant (or if the claimant have no proctor to the claimant himself) a list setting forth (a) the name of each claimant, (b) the name and address of his proctor or attorney (if he is known to have one), (c) the nature of his claim, i. e., whether property loss, property damage, death, personal injury, etc., and (d) the amount thereof.

Whenever an interim stipulation has been filed as provided in Rule 51, any person claiming damages as aforesaid, who shall have filed his claim under oath, may file an exception controverting the value of the vessel at the close of the voyage, or, in case of wreck, the value of her wreckage, strippings or proceeds, and the amount of her pending freight, and the amount of the interim stipulation based thereon, and thereupon the court shall cause due appraisement to be had of the value of petitioner's interest in the vessel, or her wreckage, etc., and her freight; and if the court finds that the amount of the interim stipulation is either insufficient or excessive, the court shall make an order for the payment of the proper amount into court or, as the case may be, for a reduction in the amount of the stipulation or for the giving of an additional stipulation.

Proof of all claims which shall be filed in pursuance of said monition shall thereafter be made before a commissioner to be designated by the court, or before the court as the court may determine, subject to the right of any person interested to question or controvert the same; but no objection to any claim need be filed by any party to the proceeding; and on the completion of said proofs, the commissioner shall make report, or

the court its findings on the claims so proven, and on confirmation of said commissioner's report, after hearing any exceptions thereto, or on such finding by the court, the moneys paid or secured to be paid into court as aforesaid or the proceeds of said vessel, or her wreckage, etc., and freight (after payment of costs and expenses) shall upon determination of liability be divided pro rata, subject to all provisions of law thereto appertaining, amongst the several claimants in proportion to the amount of their respective claims, duly proved and confirmed as aforesaid, saving, however, to all parties any priority to which they may be legally entitled.

RULE 53. *Rights of Owner to Contest Liability and of Claimants to Contest Exoneration from Liability or Limitation of Liability of Owner.*—In the proceedings aforesaid, the petitioner shall be at liberty to contest his liability, or the liability of said vessel, provided he shall have complied with the requirements of Rule 51 and shall also have given a bond for costs and provided that in his petition he shall state the facts and circumstances by reason of which exoneration from liability is claimed; and any person claiming damages as aforesaid who shall have filed his claim under oath and intends to contest the right to exoneration or limitation, shall file an answer to such petition, and serve a copy on proctor for petitioner, and may contest the right of the owner or owners of said vessel, either to an exoneration from liability or to a limitation of liability under the said Act of Congress, or both, provided such answer shall in suitable allegations state the facts and circumstances by reason of which liability is claimed or right to limitation should be denied.

RULE 54. *Courts Having Cognizance of Limited Liability Procedure.*—The said petition shall be filed and the said proceedings had in any District Court of the United States in which said vessel has been libeled to answer for any claim in respect to which the petitioner seeks to limit liability; or, if the said vessel has not been libeled, then in the District Court for any district in which the owner has been sued in respect to any such claim. When the said vessel has not been libeled to answer the matters aforesaid, and suit has not been commenced against the said owner, the said proceedings may be had in the District Court of the district in which the said vessel may be, but if said vessel is not within any district and no suit has been commenced in any district, then the petition may be filed in any District Court. The District Court may, in its discretion, transfer the proceedings to any district for the convenience of the parties. If the vessel shall have already been sold, the proceeds shall represent the same for the purposes of these rules.

Regulation of Admission to the Bar of the Federal Courts by Uniform Rules.—The report of the Conference Committee to consider the advisability of regulating admission to the bar of the federal courts by uniform rules was submitted and discussed by its Chairman, Judge McAllister. The Conference concurred in the Committee's conclusion, and agreed that it is inadvisable to regulate admission to the bar of the federal courts by uniform rules at this time. The Conference ordered and directed that the report of the Committee be circulated throughout the judiciary as a matter of information and interest.

Judge McAllister presented a letter from Judge Beaumont, a member of the Conference Committee, with a memorandum from the Committee with respect to the probable desirability of having the Boards of Bar Examiners of the various states incorporate questions pertaining to procedure in federal courts in their examinations and suggested that the matter be taken under advisement by the Conference. The Conference ordered the letter and memorandum accepted for further consideration in the future.

Judicial Statistics.—The report of the Committee on Judicial Statistics was presented and reviewed by Mr. Shafroth, Chief of the Division of Procedural Studies and Statistics of the Administrative Office of the United States Courts.

Emphasis was placed upon the importance of the experiments now being conducted by the Committee and the Administrative Office in an endeavor to develop a more satisfactory and practical method of weighing the case load in the various courts. The present method of merely reporting the number of cases filed and the number of cases disposed of does not reflect the true picture with respect to the relative amount of work in each district. It was urged that the judiciary continue the cooperation it has evidenced in the past in connection with this particular undertaking.

A review of the progress made in statistical reporting, and a statement concerning the value of the data accumulated by the Administrative Office reflected a satisfactory condition. The report of the Committee was ordered received and filed as submitted.

Estimates for Appropriations for Fiscal Year 1949.—The Director of the Administrative Office submitted the budget estimates covering the requirements of the judiciary for fiscal year 1949. In reviewing the estimates, the Director called attention to the fact that the Appropriation Acts for the past three years have provided for salaries for law clerks to circuit and district judges which, in

some instances, were in excess of the limitations prescribed by the provisions of the basic acts for these employees (28 U. S. C. 222a and 128), and that, in the preparation of the estimates for fiscal 1949, the Administrative Office was following the previous Appropriation Acts.

It was the sense of the Conference that the budget estimates for 1949 should reflect an amount for salaries of law clerks that would be within the provisions of the basic acts, plus increases authorized by the Federal Employees' Pay Acts of 1945 and 1946, and the Director of the Administrative Office was directed to amend his budget estimates accordingly.

The Conference thereupon approved the estimates, as amended.

Legislative Proposals Reaffirmed.—The Conference reaffirmed its previous recommendation regarding proposed legislation relating to the following:

1. Sentencing and parole of youthful offenders.[9]
2. The removal of civil disabilities of probationers fulfilling the terms of their probation.[10]
3. Treatment of insane persons charged with crime in the Federal Courts.[11]
4. Providing proper representation in Federal Courts for protection of the rights of indigent litigants.[12]
5. Providing for the transfer of jurisdiction of probationers under supervision from one district to another with the concurrence of the courts of both districts.[13]

Pretrial Procedure.—The several circuit judges reviewed the experience had in their respective circuits concerning pretrial procedure methods. It was the sense of the Conference that the Conference Committee on Pretrial Procedure should be reconstituted and reactivated.

The Conference directed that the material and data submitted by the Attorney General with reference to his proposal concerning the adoption of uniform rules for all Circuit Courts of Appeals regulating particularly the preparation and contents of printed records on appeal and of appellate briefs, be circulated by the Director to the members of the Conference.

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[9] Conf. Rpts., 1943, p. 26; Sept. 1944, pp. 15, 16; 1945, p. 22; 1946, pp. 18, 19.
[10] Conf. Rpts., 1942, p. 12; Sept. 1944, pp. 21, 22; 1945, p. 25; 1946, pp. 19, 20.
[11] Conf. Rpt., Oct. 1946, p. 18.
[12] Conf. Rpts., 1945, p. 21; 1946, p. 22.
[13] Conf. Rpts., 1945, p. 28; 1946, p. 20.

COMMITTEES

The Conference authorized the Chief Justice to fill all existing committee vacancies, and to designate the membership of any new or reconstituted committees.

Committees Continued.—All present committees of the Conference were continued with the exception of the Committee on a Special Court of Patent Appeals.

Committees Discontinued.—The Committee on a Special Court of Patent Appeals was discontinued, the Chief Justice to reconstitute the Committee whenever he deems it necessary.

Committee Appointments.—Pursuant to Conference action, the Chief Justice made the following committee assignments:

Committee on Pretrial Procedure.—Circuit Judge Alfred P. Murrah, Chairman; District Judges Bolitha J. Laws, Paul J. McCormick, William H. Kirkpatrick, and John C. Knox.

Committee on Ways and Means of Economy in Operation of the Courts.—Circuit Judge John J. Parker, Chairman; Circuit Judges, Joseph C. Hutcheson and William Healy; District Judges, George C. Sweeney, Robert A. Inch, Phillip Forman, Frank L. Kloeb, John P. Barnes, John W. Delehant, Arthur J. Mellot, and Thomas Jennings Bailey.

The Chief Justice designated District Judges Alfred C. Coxe and Seybourn H. Lynne as members of the Committee on Bankruptcy Administration, succeeding Circuit Judge Jerome N. Frank, and District Judge William C. Coleman, resigned.

The Chief Justice designated Circuit Judge Orie L. Phillips as a member of the Advisory Committee of the Conference, succeeding Circuit Judge Kimbrough Stone, retired.

Advisory Committee.—The Conference continued the committee consisting of the Chief Justice, Judges Biggs, Parker, and Phillips, and Chief Justice Groner, to advise and assist the Director in the performance of his duties.

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

For the Judicial Conference:

FRED M. VINSON,
Chief Justice.

Dated: Washington, D. C., November 17, 1947.

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