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

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**MARCH 26-27, 1953  
WASHINGTON, D. C.**

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## TITLE 28. UNITED STATES CODE, SECTION 331

### § 331. Judicial Conference of the United States.

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

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

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

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

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

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

Special Session—March 26–27, 1953

A special session of the Judicial Conference of the United States was convened by Chief Justice Vinson on March 26, 1953, and continued in session 2 days. The Chief Justice presided and all members of the Conference were present as follows:

Circuit:

District of Columbia.....	Chief Judge Harold M. Stephens.
First.....	Chief Judge Calvert Magruder.
Second.....	Chief Judge Thomas W. Swan.
Third.....	Chief Judge John Biggs, Jr.
Fourth.....	Chief Judge John J. Parker.
Fifth.....	Chief Judge Joseph C. Hutcheson.
Sixth.....	Chief Judge Charles C. Simons.
Seventh.....	Chief Judge J. Earl Major.
Eighth.....	Chief Judge Archibald K. Gardner.
Ninth.....	Chief Judge William Denman.
Tenth.....	Chief Judge Orie L. Phillips.

The Attorney General, Hon. Herbert Brownell, accompanied by the Deputy Attorney General, Hon. William P. Rogers, attended the opening session and addressed the Conference informally.

Senator Carl Hayden, of Arizona, ranking minority member of the Appropriations Committee of the Senate, Hon. Chauncey W. Reed, chairman, and Hon. Emanuel Celler, ranking minority member of the Judiciary Committee of the House of Representatives, also attended the opening session and addressed the Conference informally.

Circuit Judge Albert B. Maris attended the sessions of the Conference and District Judges Bolitha J. Laws and Harry E. Watkins attended the afternoon session on the first day of the Conference.

Henry P. Chandler, director; Elmore Whitehurst, assistant director; Will Shafroth, chief, Division of Procedural Studies and Statistics; Edwin L. Covey, chief, Bankruptcy Division; Richard

A. Chappell, chief, Probation Division; and Leland L. Tolman, chief, Division of Business Administration; and members of their respective staffs, all of the Administrative Office of the United States Courts, attended the sessions of the Conference.

### BUSINESS OF THE COURTS

The first half of the fiscal year 1953 has brought with it a decided increase in the business of the Federal courts. Cases filed in the courts of appeals were 8 percent more numerous than for the same period last year. In the district courts the size of the increase is impressive. Civil cases rose by 19 percent, criminal cases not including immigration violations by 11 percent and bankruptcy cases by 10 percent.

The main burden of the district courts is the civil business and the large increase in this type of case is a continuation of a rise of 13 percent in the fiscal year 1952 over 1951.

The comparative figures for civil cases commenced in the 2 half years are as follows:

	<i>1st half 1952</i>	<i>1st half 1953</i>
<b>TOTAL CIVIL CASES (all districts):</b>		
Commenced.....	27, 569	32, 769
Terminated.....	23, 825	25, 647
Pending Dec. 31, 1951-52.....	58, 828	67, 484
<b>U. S. CIVIL CASES (all districts):</b>		
Commenced.....	10, 867	12, 961
Terminated.....	9, 466	9, 802
Pending Dec. 31, 1951-52.....	20, 903	25, 001
<b>PRIVATE CIVIL CASES (all districts):</b>		
Commenced.....	16, 702	19, 808
Terminated.....	14, 359	15, 845
Pending Dec. 31, 1951-52.....	37, 925	42, 483

While the first half of the fiscal year does not as a rule produce as many terminations of civil cases as the last half because of the summer vacation, the rise in the pending caseload of civil cases from December 31, 1951, to December 31, 1952, of 8,656 indicates a serious condition in the district courts. This occurred in spite of an increase in civil terminations in the most recent half year of 1,822 cases over the first 6 months of the fiscal year 1952.

The docket congestion in many of the metropolitan areas, including New York City, Philadelphia, Pittsburgh, Cleveland, and Chicago, has continued to grow, pointing up the urgent need for the additional judgeships recommended in these districts as well as in other districts where the judicial business has outgrown the power of the present judicial force to cope with it.

## ADDITIONAL JUDGESHIPS NEEDED

After consideration of the judicial business of the various circuits and districts, the Conference recommended the following additional judgeships not heretofore recommended:

- 1 additional district judgeship for the Eastern District of Michigan.
- 1 additional district judgeship for the Western District of Michigan.
- 1 additional district judgeship for the Northern District of Ohio.
- 1 additional district judgeship for the District of North Dakota.

The Conference reaffirmed its previous recommendations of additional judgeships, including three recommendations approved by a mail vote, namely one additional judgeship for the District of Massachusetts, one additional judgeship for the Western District of Kentucky, and one additional judgeship for the Western District of Pennsylvania, but with the proviso that the first vacancy occurring in this district shall not be filled.

A complete list of the present Judicial Conference recommendations with respect to judgeships is as follows:

**Court of Appeals:**

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

*Ninth Judicial Circuit.*—The creation of two additional judgeships.

**District Courts:**

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

*Second Judicial Circuit*—Southern District of New York.—The creation of five additional judgeships, with a proviso that the first two vacancies occurring in this district shall not be filled.

*Third Judicial Circuit*—District of Delaware.—The creation of one additional judgeship.

District of New Jersey.—The creation of one additional judgeship.

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

Western District of Pennsylvania.—The creation of two additional judgeships, with a proviso that the first vacancy occurring in this district shall not be filled.

Eastern, Middle, and Western Districts of Pennsylvania.—The act of July 24, 1946 (60 Stat. 654), creating a temporary judgeship for these districts to be amended so as to provide that the present incumbent shall succeed to the first vacancy occurring in the position of district judge for the Middle District of Pennsylvania.

*Fourth Judicial Circuit*—Eastern and Western Districts of Virginia.—The creation of one additional judgeship for both districts, with a proviso that the judge to be appointed shall reside in Norfolk and that the first vacancy occurring in the Western District of Virginia shall not be filled.

Northern and Southern Districts of West Virginia.—The existing temporary judgeship for both districts to be made permanent.

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

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

Southern District of Texas.—The present temporary judgeship in this district to be made permanent.

*Sixth Judicial Circuit*—Western District of Kentucky.—The creation of one additional judgeship.

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

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

Northern District of Ohio.—The creation of two additional judgeships.

Middle District of Tennessee.—The creation of one additional judgeship, with a proviso that the first vacancy occurring in this district shall not be filled.

*Seventh Judicial Circuit*—Northern District of Indiana.—The creation of one additional judgeship.

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

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



*Eighth Judicial Circuit*—District of North Dakota.—The creation of one additional judgeship.

Eastern and Western Districts of Missouri.—The existing temporary judgeship for these districts to be made permanent.

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

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

District of New Mexico.—The creation of one additional judgeship with a proviso that the first vacancy occurring in this district shall not be filled.

#### SUPPORTING PERSONNEL OF THE COURTS

*Number and classification of personnel in the probation offices.*—Chief Judge John Biggs, Jr., chairman of the Committee on Supporting Personnel of the Courts, presented a report concerning the personnel of the probation offices, their number and classification, and concerning the classification of personnel in the offices of clerks of courts of appeals and of district courts.

The report stated that the committee had considered with representatives of the Administrative Office the size of the staffs of the probation offices throughout the country and that it was satisfied that the personnel, both officers and clerks, in some districts were inadequate for efficient work. The report pointed out that the quality of the service was impaired when the caseload upon the officers for investigation and supervision was unduly heavy. The report commented that it was particularly desirable at the present time to provide adequate probation staffs because added responsibilities both for investigation and supervision would be cast on the probation officers by the application of the Federal Youth Corrections Act which it is hoped will shortly be put into effect.

The committee concluded that the minimum number of new positions which were needed was six additional probation officers and five additional probation clerks. In arriving at these numbers the committee considered a variety of factors, not only the bare figures of caseload but also the nature and difficulty of the work of investigation and supervision in the particular districts, distances to be covered, and other pertinent conditions.

The committee stated that it was the opinion of the Administrative Office that the additional personnel if available, should be distributed as of the present time among districts in the manner shown in the following table:

District:	Officers	Clerks
California S. ....	1	1
Colorado .....	0	1
New Mexico .....	1	0
North Carolina E. ....	1	1
North Carolina M. ....	1	1
South Carolina E. (Charleston) .....	1	1
Texas W. (El Paso) .....	1	0
	6	5

But the committee observed that it was considered advisable that discretion should be left in the Administrative Office to make the allocation of any funds secured according to the conditions at the time.

The annual cost of the additional positions is estimated by the committee on the basis of existing classifications at \$39,980, which is about 1.6 percent of the current appropriation of \$2,420,000 for salaries in the probation service.

The recommendation of the committee concerning additional personnel in the probation offices as stated above was adopted by the Conference.

In reference to the classification of probation officers, the committee stated in its report that generally it did not recommend any change in the starting grade for probation officers, which is GS-7. The committee was, however, of the opinion that the present classification plan which was adopted in 1943 does not offer sufficient opportunity for advancement. It considered that the grades and resulting compensation of probation officers with the larger responsibilities and more seasoned judgment are not commensurate with the nature and difficulty of their duties. The report expressed a similar opinion in reference to chief clerks of probation offices in metropolitan districts where there are substantial duties of supervision of other clerks which are performed by a senior clerk.

The report stated that the committee made one exception to the classification of beginning officers in grade GS-7. That is in offices in which there is only a single officer. Such an officer carries from the time of his appointment, many of the responsibilities of a chief officer. He is called upon to make a large number of independent decisions and has no associate with whom he can consult. In

recognition of his greater degree of responsibility the committee believed that there should be a differential of one grade in his favor at the outset of his service, and that he should be classified at the beginning in grade GS-8.

To give effect to its conclusions, the committee recommended in its report the following revised plan of classification for probation officers:

Title	Grade	Salary range	Responsibilities and length of service <sup>1</sup>
Probation officer—7 <sup>2</sup> .....	GS-7.....	\$4,205 to \$4,955.....	Basic responsibilities of a probation officer. Probation officer in independent 1-man unit. 6 years as United States probation officer. 12 years as United States probation officer.
Probation officer—8.....	GS-8.....	\$4,620 to \$5,370.....	
Probation officer—9.....	GS-9.....	\$5,060 to \$5,810.....	
Probation officer—10.....	GS-10.....	\$5,500 to \$6,250.....	
Deputy chief probation officer—11.....	GS-11.....	\$5,940 to \$6,940.....	Deputy chief in office with total complement of 10 or more probation officers.
Chief probation officer—9 <sup>2</sup> .....	GS-9.....	\$5,060 to \$5,810.....	Supervision of at least 1 probation officer. Supervision as above and 3 years as United States probation officer.
Chief probation officer—10.....	GS-10.....	\$5,500 to \$6,250.....	
Chief probation officer—11.....	GS-11.....	\$5,940 to \$6,940.....	Location in metropolitan district <sup>3</sup> or 6 years as chief probation officer.
Chief probation officer—12.....	GS-12.....	\$7,040 to \$8,040.....	Location in metropolitan district <sup>3</sup> and 6 years as chief or deputy chief probation officer in GS-11.

<sup>1</sup> For the purpose of classifying an appointee and fixing his initial salary at a rate within the grade assigned, qualifying experience in personnel work for the welfare of others of the nature approved by the Judicial Conference of the United States and secretarial or stenographic experience outside the Federal probation system, may be credited to an appointee at the time of appointment to a position if deemed to be equivalent to service in the Federal probation system.

<sup>2</sup> Classifications thus marked represent no change.

<sup>3</sup> A metropolitan district is to be determined by the Director of the Administrative Office. He will take into consideration not only the population of the district but also the volume of probation work, the number of criminal cases before the court, the number of judges to be served, and other indices of the complexity of the administrative responsibilities of the chief officer's position.

The committee also recommended that in addition to the grades now authorized for probation clerks, 3, 4, and 5, a position be authorized of chief clerk in grade GS-6, the salary range of which is at present from \$3,795 to \$4,545 per annum, for offices in metropolitan districts where there are substantial duties of supervision of other clerks which are performed by a senior clerk.

The committee estimated that the gross annual cost of the reclassifications recommended would be approximately \$35,600 per annum, which is less than 1½ percent of the current annual appropriation of \$2,420,000.

The Conference approved the report of the committee and the revised plan of classification shown above.

*Classification of positions in the clerks' offices of the United States Courts.*—The Committee on Supporting Personnel informed the Conference that pursuant to the resolution adopted by the Conference at the March 1952 session (Conf. Rept., p. 21), the Administrative Office had made a study of the clerks' offices of the

United States courts of appeals and district courts and the classification of the positions therein and had reported its recommendations to the judges of the courts and to the Committee on Supporting Personnel. The Administrative Office had also circulated among the circuit judges and district judges the general portion of an advisory report of a study by the Civil Service Commission made at its request, of the classification of personnel in representative offices of clerks of district courts. The Committee after considering the report and the views of judges who had commented thereon, in compliance with the direction of the Conference, submitted its report to the Conference.

The Administrative Office found that, as would be expected, the trend of salaries in the clerks' offices had been upward since 1941. The average salary of all the employees in the clerks' offices in 1941 was \$2,234.02 as compared with an average salary of \$4,361.20 in 1952, an increase of 95.2 percent. This is more than the increase in the cost of living in the same period which was somewhat above 81 percent. However, no funds have been contained in any appropriation act over the past 10 years for the specific purpose of reclassifying positions in the clerks' offices. Such reclassifications as have been made have been limited to individual positions where it seemed necessary to bring them into line with salaries of comparable positions in other offices, the only funds available for this purpose having come from savings in the appropriation. The other increases which have been made have resulted from the application of the within-grade promotional plan and the several cost-of-living pay increases authorized by Congress for government employees generally in which the personnel in the clerks' offices have shared. In each instance funds for these increases have been provided by the Congress and are reflected in the amount of the appropriation for clerks' salaries.

In obtaining the assistance of the Civil Service Commission, the Administrative Office followed the course taken in 1943 when the classification of positions in the clerks' offices was last studied. The Commission in its recent study held extended conferences with members of the staff of the Administrative Office, examined its files, and made field visits to representative clerks' offices. In its evaluation of positions the Commission drew upon its wide and exact knowledge of the classification of positions under the Classification Act throughout the government service. It recommended

increases in grade with respect to only two types of positions, namely chief deputy clerks in large districts exercising full responsibilities as second in authority in the office from grade GS-10 to grade GS-11 and senior court room deputies with full responsibilities for calendar assignments in large metropolitan districts from grade GS-6 to grade GS-7.

The Administrative Office also examined reports published by the Bureau of Labor Statistics of per annum salaries of office workers in various cities of the United States for the purpose of comparing salaries in the clerks' offices with those paid in private industry and from limited data available studied salaries paid in clerks' offices of courts of local governmental units.

The Administrative Office on the basis of all the data available reached the conclusion that in general the present classifications and scale of compensation in the clerks' offices are adequate. It did not recommend increases in grades of positions in the offices of the clerks of the courts of appeals. It recommended that the position of chief deputy clerk having a substantial delegation of authority in large offices of clerks of district courts be reclassified from grade GS-10 to grade GS-11. It also recommended that court room deputies in large district court offices with full calendar responsibilities be reclassified from grade GS-6 to grade GS-7. The Administrative Office attached to its report descriptions of 33 typical positions in the offices of clerks of district courts intended to be used as guides for the classification of positions.

The Committee approved the report of the Administrative Office except that it reached the conclusion that the position of senior court room deputy in large offices with full responsibility for calendar assignments should be classified in grade GS-8 instead of grade GS-7 as recommended by the Administrative Office. The Committee suggested some amendments of the descriptions of positions above referred to, all of which were agreed to by the Administrative Office and made. The Committee recommended approval as guides to the Administrative Office of the amended descriptions of these positions together with the grades assigned to each, including the amendment of the grade of senior court room deputy in large offices with the duties specified from GS-7 to GS-8.

However, the Committee pointed out that because of the many variations in the organization and distribution of responsibilities

in the various clerks' offices substantial latitude must be allowed to the Administrative Office in the classification of individual positions. The Committee concluded that no special reclassifications should be made of the clerk's personnel of the United States District Court for the District of Columbia different from the classification plan for the country which the Committee recommended.

The Conference approved the report and recommendations of the Committee. The funds necessary to provide for the proposed reclassifications are estimated to be \$62,000.

#### BANKRUPTCY ADMINISTRATION

Chief Judge Orie L. Phillips, chairman of the Bankruptcy Committee, submitted for consideration by the Conference, the report of the Bankruptcy Division of the Administrative Office approved by the Director on February 13, 1953. The chairman also presented the report and recommendations of the Bankruptcy Committee relating to the positions of referees in bankruptcy to become vacant by expiration of term on June 30, 1953 and changes in salaries and arrangements.

*General.*—Studies and resurveys were conducted by the Bankruptcy Division of the Administrative Office covering the districts in which vacancies will occur. For these districts, the previous surveys were extended through December 31, 1952, and took into account both for the districts and for each referee's office concerned, the number, size, and character of pending cases; the number, size, and character of cases referred to the referees since July 1, 1947; the payments by each district and by each referee into the Referees' Salary and Expense Funds and other pertinent data.

The report of February 13, 1953, was submitted by the Director to the members of the Judicial Conference and to the judicial councils and the district judges of the circuits and districts concerned, with the request that the district judges advise the judicial councils of their respective circuits of their views concerning the recommendations for their districts, and that the chief judges of the circuits in turn inform the Administrative Office of the views of the judicial councils of their circuits. The Director's report together with the views expressed by the district judges and the circuit councils were considered by the Committee on Bankruptcy Administration. The Conference had before it the Committee's report as well as the recommendations of the district judges and the judicial

councils which had been received at the time of the meeting of the Conference.

*Vacancies occurring by expiration of term on June 30, 1953.*—The Conference thereupon took the action relating to the positions to become vacant by expiration of term on June 30, 1953, shown in the following table:

District	Regular place of office	Type of position	Present salary	Conference action
Massachusetts	Boston	Full-time	\$12,500	Continued. <sup>1</sup>
New Hampshire	Manchester	Part-time	3,000	Do.
New York (S)	Poughkeepsie	do	2,500	Do.
Delaware	Wilmington	do	4,000	Do.
New Jersey	Camden	do	5,500	Do.
Pennsylvania (E)	Philadelphia	Full-time	12,500	Do.
Pennsylvania (M)	Harrisburg	Part-time	3,500	Do.
Pennsylvania (W)	Pittsburgh	Full-time	10,000	Do.
	(Erie)	Part-time	3,500	Do.
North Carolina (E)	Raleigh	do	3,000	Do.
North Carolina (W)	Charlotte	do	3,000	Do.
Virginia (W)	Staunton	do	1,800	Do.
West Virginia (N)	Wheeling	do	3,000	Do.
Alabama (N)	Birmingham	Full-time	12,500	Do.
Florida (S)	Miami	Part-time	6,000	Do.
Georgia (M)	Macon	Full-time	8,000	Do.
Georgia (S)	Waycross	Part-time	1,000	\$1,200. <sup>2</sup>
Louisiana (W)	Shreveport	do	6,000	Continued. <sup>1</sup>
Texas (N)	Fort Worth	Full-time	8,000	Do.
Texas (S)	Houston	Part-time	6,000	Do.
Kentucky (W)	Louisville	Full-time	9,000	Do.
	Paducah	Part-time	2,000	Do.
Ohio (N)	Cleveland	Full-time	12,500	Do.
	Toledo	do	12,500	Do.
Ohio (S)	Cincinnati	Part-time	6,000	Do.
Tennessee (E)	Knoxville	Full-time	9,000	Do.
Tennessee (W)	Memphis	do	11,250	Do.
Illinois (N)	Chicago	do	12,500	Do.
Wisconsin (E)	Milwaukee	Part-time	6,000	Do.
	Manitowoc	do	4,000	Do.
Wisconsin (W)	Madison	do	4,000	Do.
Minnesota	Minneapolis	Full-time	11,250	Do.
	Winona	Part-time	1,800	Discontinued. <sup>3</sup>
California (N)	Sacramento	do	6,000	Continued. <sup>1</sup>
California (S)	Los Angeles	Full-time	12,500	Do.
	do	do	12,500	Do.
Oregon	Fresno	Part-time	6,000	Do.
Washington (E)	Portland	Full-time	12,500	Do.
Washington (W)	Spokane	Part-time	6,000	Do.
	Tacoma	do	6,000	Do.
Oklahoma (E)	Okmulgee	do	1,500	Do.

<sup>1</sup> The word "Continued" signifies an authorization for the filling of the vacancies for a term of 6 years beginning July 1, 1953, at the present salary.

<sup>2</sup> Increase in salary to the amount shown to be effective Apr. 1, 1953, and position continued.

<sup>3</sup> The Conference authorized the consolidation of the First and Second Divisions of the District (Winona territory) with the territory served by the full-time referee at St. Paul, effective, July 1, 1953. Winona and Mankato were continued as places of holding court for the referee at St. Paul.

#### CHANGE IN ARRANGEMENTS

*Eastern District of Washington.*—Wenatchee and Pasco were added as places of holding court for the referee at Spokane.

#### LEGISLATIVE MATTERS

*Amendment to Section 66 of the Bankruptcy Act.*—The chairman of the Bankruptcy Committee brought to the attention of

the Conference the report of a committee appointed at the annual meeting of the Conference held September 22-24, 1952, to study a proposed amendment of Section 66 of the Bankruptcy Act dealing with the distribution of unclaimed moneys in bankruptcy estates and to draft an amendment. The members of the Committee were Circuit Judge F. Ryan Duffy, chairman, District Judge Charles G. Briggles, and Edwin L. Covey of the Administrative Office.

This committee in its report recommended that section 66b be repealed and that there be added to section 66a the following:

Such moneys and dividends shall be deposited and withdrawn as provided in Title 28, U. S. C., Section 2042.

The Conference ordered that the report of the committee be circulated among the circuit and district judges; that the judges and the judicial conferences and judicial councils of the circuits be requested to express their views upon the report and the proposed amendment; that all views expressed be communicated to the Committee on Bankruptcy Administration of the Conference for its consideration; and that the Bankruptcy Committee make further report to the Conference at its next regular meeting.

#### COURT REPORTERS, WESTERN DISTRICT OF TEXAS

In accordance with the procedure adopted by the Conference in reference to requests for changes in salaries or arrangements for court reporters, the Director of the Administrative Office of the United States Courts reported that the reporter-law clerk, with salary of \$5,500 per annum, in the part of the District Court for the Western District of Texas presided over by Chief Judge Ben H. Rice, Jr., had resigned, and that Judge Rice requested that in his stead the court be authorized to appoint a reporter only with an annual salary of \$5,000. The Director recommended that the request be granted and that the salary of the other reporter for the court, which is now \$4,500 per annum, be also fixed at \$5,000 per annum. The Conference approved the recommendation and authorized the court to appoint two reporters, each at a salary of \$5,000 per annum.



## MAINTENANCE EXPENSES OF JUDGES

The following motion was adopted by the Conference:

That the Chief Justice appoint a committee of five to make a comprehensive study of Section 456, Title 28, United States Code, of the practices that have obtained thereunder and the administrative constructions that have been placed thereon; that the committee proceed as expeditiously as possible to make such study, and report back to a special meeting of this Conference the results of its study and its recommendations; and that the action of the Conference on the report and such recommendations as the Conference deems appropriate shall be transmitted to the Congress.

The Chief Justice appointed the following Committee to conduct the study: Chief Judge Phillips, chairman, and Chief Judges Parker, Hutcheson, Biggs, and Circuit Judge Maris.

## REPORT OF COMMITTEE ON REVISION OF CRIMINAL AND JUDICIAL CODES

For the Committee on Revision of the Criminal and Judicial Codes, Judge Maris, chairman, reported that the Committee had given consideration to three bills of the 82d Congress which had been referred to the Committee for consideration by the Conference after a request for an expression of views with regard to the bills had been received from the Committee on the Judiciary of the House of Representatives. The bills and recommendations of the Committee are as follows:

H. R. 6317, 82d Congress, entitled "A bill to amend section 1923 (a) of title 28, United States Code, relating to docket fees". The Committee recommended approval of the bill.

H. R. 7425, 82d Congress, entitled "A bill to amend section 3185 of title 18, United States Code". This bill proposes certain amendments to the section of title 18, United States Code, which deals with fugitives from justice who have fled from areas under occupation or control of the United States. The Committee reported that the amendments proposed by sections 1, 2 and 3 of the bill seemed to it to be appropriate. Section 4 would impose a restriction not in the present law to the effect that the Secretary of State shall not order the return or surrender of any military personnel without the prior written approval of the Secretary of the Military Department concerned in each case. The Committee was of the

opinion that this proposal to make the application of the act to military personnel solely dependent upon the approval of the Military Department concerned raises an important question of legislative policy for the determination of the legislative branch of the Government and upon which the Judicial Department should not express an opinion.

H. R. 7737, 82d Congress, entitled "A bill providing that the United States shall have a civil action against any person who bribes or attempts to bribe an officer or employee of the Government". The Committee was of the view that this bill deals with a subject matter, the creation of a new civil cause of action, which involves the determination of public policy by the legislative branch of the Government and that it is not appropriate for the judicial branch, as such, to express an opinion upon such a question.

The Conference approved the report of the Committee with respect to each of the above designated bills.

*Record on review of orders of administrative agencies.*—The Committee reported that it was engaged in making a study of a suggestion made by the clerk of the United States Court of Appeals for the District of Columbia Circuit at the September 1952 session of the Conference that existing statutes be amended so as to permit administrative agencies to send to the courts of appeals the original records of cases in lieu of transcripts; to send abbreviated records where the whole record is not necessary; and to permit records to be returned at the conclusion of the case to the administrative agencies from which they were received, but was not ready to make a final report to this session of the Conference.

*Amendment of code of American Samoa regarding judiciary and judicial procedure.*—The Committee reported that the proposals for the revision of the provisions of the Code of American Samoa relating to the judiciary and judicial procedure which were made by the chairman of the Committee in June of 1952 had been enacted into law by the acting Governor of American Samoa and went into effect January 17, 1953.

*Change of name of Committee.*—The Committee was empowered on behalf of the Conference to collaborate, with respect to matters affecting the judiciary and judicial procedure, with the Committees on the Judiciary of the Senate and House of Repre-

sentatives in the work in which they are now engaged in codifying and revising the remaining unenacted titles of the United States Code. The Committee will accordingly hereafter be designated as the Committee on Revision of the Laws.

#### TENURE DURING GOOD BEHAVIOR FOR CERTAIN JUDGES IN THE TERRITORIES

Judge Maris, at the request of Chairman Duffy of the Committee on the Retirement of Judges, submitted the draft of a bill approved by the Committee which would provide tenure during good behavior for judges hereafter appointed for the United States District Courts for the Districts of Hawaii and Puerto Rico. The report of the Committee was approved and the draft of bill authorized to be transmitted to the Congress for consideration.

H. R. 1800 entitled "A bill to provide that judges of the District Court for the Territory of Alaska shall hereafter be appointed to hold their offices during good behavior," was referred to the Committee on the Retirement of Judges for consideration and report at the next regular meeting of the Conference.

#### CONDEMNATION CASES

The Conference reaffirmed its disapproval of legislation (reintroduced in the 83d Congress as S. 30) which would in effect amend Rule 71A (h) of the Federal Rules of Civil Procedure so as to make a jury trial in condemnation proceedings in the United States District Courts mandatory upon the demand of any party. Previous consideration and action by the Conference with regard to this proposed legislation is reported on page 15 of the report of the September 1952 session and on page 7 of the March 1952 session of the Conference.

#### COMMITTEE ON APPEALS FROM INTERLOCUTORY ORDERS OF THE DISTRICT COURTS

Judge Parker, chairman, submitted the report of the Committee on Appeals from Interlocutory Orders of the District Courts. He informed the Conference that the Committee had circulated to circuit and district judges for their comments proposals to amend the judicial code so as to allow discretionary appeals from inter-

locutory orders under certain conditions in addition to those now allowed as a matter of right. After considering the replies received, the Committee had decided that it would send to the chief judges of the circuits the data it has in hand and ask them to make this subject one for discussion in the judicial conferences of the circuits. Judge Parker would ask the conferences to let him have their opinions after which his Committee would meet again to give further consideration to this subject.

The Committee recommended that the Conference approve S. 636 entitled "A bill to amend section 3731 of title 18 of the United States Code relating to appeals by the United States", the purpose of which is to permit intermediate review of orders suppressing evidence entered by the district courts after an indictment or information has been filed but before the defendant has been put in jeopardy. The Conference approved the bill.

#### AIR CONDITIONING OF COURT QUARTERS

The Director brought to the attention of the Conference a letter received from the Commissioner of Public Buildings stating that because of action by the Bureau of the Budget and the Appropriations Committee reducing the appropriations requested for the Public Buildings Service, he could see little prospect of any air conditioning being done in the fiscal year 1954. Members of the Conference expressed concern that the urgent need for air conditioning of court quarters in localities of extreme heat should be met at the earliest possible time. This is especially necessary under present conditions to enable the courts better to dispose of the heavy caseloads with which they are now faced.

#### BILL TO AMEND THE YOUTH CORRECTIONS ACT BY REDUCING THE MEMBERS OF THE BOARD OF PAROLE FROM 8 TO 5 AND REQUIRING THE MEMBERSHIP TO BE BIPARTISAN

The Conference disapproved S. 733 entitled "A bill to provide that the Federal Board of Parole shall consist of five members not more than three of whom shall be from the same political party." The Conference had previously recommended the creation of a Board of eight members in connection with its support of the bill for the Youth Authority Act. It is the present view of the Conference that that number of members will be required properly to

discharge the substantially greater volume of work which will devolve upon the Board when the Youth Authority Act becomes effective.

**BILL TO REQUIRE WRITTEN OPINIONS IN ALL CASES DECIDED BY  
COURTS OF APPEALS**

The Conference considered and disapproved H. R. 3076 entitled "A bill to require written opinions in all cases decided by United States courts of appeals."

**COMMITTEE ON THE OPERATION OF THE JURY SYSTEM**

The question of the desirability of amendment of § 1871 of title 28, United States Code, relating to fees and mileage allowances of jurors, with particular reference to a provision relating to the payment of travel expense at the rate of 7 cents a mile when jurors return to their homes each night during their term of service, was referred to the Committee on the Operation of the Jury System for consideration.

**A PROPOSAL TO REQUIRE THE PAYMENT OF A SUBSTANTIAL JURY  
FEE BY A PLAINTIFF CALLING FOR A JURY TRIAL**

A letter was brought to the attention of the Conference from Chief Judge Carroll C. Hincks of the District Court for the District of Connecticut suggesting legislation under which a plaintiff who demands a jury trial would pay a substantial jury fee, such fee to constitute an item of taxable costs against the defendant in the event of a verdict in favor of the plaintiff. The Conference considered the matter but took no action.

**FAR EASTERN LAW CENTER FOR THE LIBRARY OF CONGRESS**

A proposal for an appropriation for the establishment of a Far Eastern Law Center for the Library of Congress was explained to the Conference by Judge Stephens. It was the sense of the Conference that the establishment of a Far Eastern Law Center in the Library of Congress would be of aid to the courts and bar.

RULES ADOPTED BY COURTS OF APPEALS FOR REVIEW OR ENFORCEMENT OF ORDERS OF ADMINISTRATIVE AGENCIES

Section 11 of Public Law 901 of the 81st Congress (64 Stat. 1132, 5 U. S. C. Supp. V § 1041) provides for the adoption, subject to the approval of the Judicial Conference, of rules covering the practice and procedure in proceedings to review or enforce orders of certain administrative agencies.

The Conference approved rules adopted pursuant to this provision by the courts of appeals for the first and sixth circuits. The Conference also approved amendments adopted by the courts of appeals of the third, fourth, and tenth circuits to rules heretofore adopted by them and approved by the Conference at its September 1952 session (Jud. Cf. Rept. Sept. sess. 1952, p. 23).

COMMITTEES

The Conference renewed the authorization to the Chief Justice to take whatever action he deemed 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 existing committees were continued. The Conference continued the Advisory Committee consisting of the Chief Justice and Chief Judges Stephens, Biggs, Parker, and Phillips, 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 of the United States:

FRED M. VINSON,  
*Chief Justice.*

Dated Washington, D. C., April 7, 1953.