REPORT
OF THE JUDICIAL CONFERENCE
OF THE UNITED STATES

HELD AT

WASHINGTON, D. C.

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ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
1952

APPENDIX:

REPORT OF JUDICIAL CONFERENCE

SPECIAL SESSION

MARCH 20–21, 1952

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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.

APPENDIX

REPORT OF THE JUDICIAL CONFERENCE, SPECIAL SESSION, MARCH 1952

APPENDIX

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

SPECIAL SESSION—MARCH 20-21, 1952

Pursuant to previous agreement and understanding of the Conference, and upon call of the Chief Justice, a special session of the Judicial Conference of the United States was convened on March 20, 1952. The following were present:

The Chief Justice, presiding.

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.

Circuit Judges F. Ryan Duffy and Albert B. Maris; and District Judges, Chief Judge Bolitha J. Laws and Judges Peirson M. Hall and Harry E. Watkins attended various meetings of the session and participated in its discussions.

Henry P. Chandler, Director; Elmore Whitehurst, Assistant Director; Will Shafroth, Chief, Division of Procedural Studies and Statistics; Edwin L. Covey, Chief, Bankruptcy Division; R. 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, were in attendance throughout the session.[1]

Paul L. Kelley, Executive Secretary to the Chief Justice, served as Secretary of the Session.

The Chief Justice announced the retirement of Chief Judge Xenophon Hicks of the Sixth Judicial Circuit, whereupon, on

[1] For convenience, the Director of the Administrative Office of the United States Courts, and the Administrative Office of the United States Courts are hereinafter referred to as the Director, and the Administrative Office, respectively.

motion made by Chief Judge Orie L. Phillips and duly seconded by Chief Judge Charles C. Simons, the Conference adopted the following resolution:

RESOLUTION

Through the retirement of Honorable Xenophon Hicks as Chief Judge of the United States Court of Appeals for the Sixth Circuit on March 1, 1952, the Conference lost one of its most useful and beloved members.

As Judge of the Nineteenth Circuit of Tennessee for ten years, United States District Judge for the Eastern and Middle Districts of Tennessee for five years, and as Judge of the Court of Appeals for the Sixth Circuit since 1928, Judge Hicks has served with great distinction, and through that long period of tenure has rendered to his state and nation judicial service of high order.

As a member of the Judicial Conference of the United States from January 27, 1938, until his recent retirement he brought wisdom and judgment ripened by long experience and made many constructive and most useful contributions to the work of the Conference. We shall miss his wise counsel and the joy of associating and working with him. Now that he has gained justly deserved respite from arduous judicial duties we express the sincere hope that he may enjoy many years of good health, contentment and happiness.

The Conference thereupon welcomed Chief Judge Charles C. Simons of the Sixth Judicial Circuit as a member of the Conference, succeeding Chief Judge Xenophon Hicks, retired.

Business of the Courts

State of the dockets of the Federal courts—General.—The Conference reviewed the state of the dockets and the work of each of the district courts and courts of appeals comprising the Federal judiciary. Conditions relating to the courts within each particular circuit were discussed by the Chief Judge of that circuit, and the Conference was informed of matters peculiar to such courts. Statistical data relating to the current and prospective business of the courts were presented by the Director. The attention of the Conference was also directed to factors which, because of their character, were impossible to weigh in these data, but which had

a material and substantial bearing upon the dispatch of the courts' business. The prospects as to the availability of judges for assignments outside their own districts were considered.

Cases and Motions under advisement.—Mr. Will Shafroth, Chief, Division of Procedural Studies and Statistics, Administrative Office, presented a statement showing the current situation throughout the judiciary with respect to cases being held under advisement.

The Chief Justice commented upon the marked improvement which had been achieved in this particular field and expressed his appreciation for the wholehearted cooperation which had been evidenced by all members of the Judiciary in the matter. He urged the continuation of this combination of effort which is the sole means through which the orderly, expeditious, and efficient dispatch of judicial business can be assured and maintained.

The attention of the Conference was especially directed to those cases and motions pending for six months or more. The Chief Justice suggested that in such cases particular attention be focused upon the immediate problems involved in the hope that there may be developed a solution that would afford opportunity for a prompt disposition of the case.

Additional Judgeships.—Mr. Shafroth advised the Conference that the Judiciary Committee of the House of Representatives had favorably reported to the House a bill providing for additional judgeships in the Federal judiciary; that the bill, as reported, provides for all judgeships heretofore recommended by the Conference.

The Conference recorded its appreciation of the instant action of the House Judiciary Committee and, because of the extreme need for this additional "judgepower," expressed the hope that favorable action by the House of Representatives would be promptly forthcoming.

Courts of Appeals—Terms, Pretermitting of—Eighth Judicial Circuit.—Chief Judge Gardner presented the following resolution adopted by the Judicial Council of the Eighth Judicial Circuit:

> "Subject to the consent of the Judicial Conference, all terms and sessions of this Court [Court of Appeals for the Eighth Judicial Circuit] be pretermitted at all designated places in the Circuit except at St. Louis, Missouri."

Upon consideration, the Conference adopted the following resolution:

> *Resolved,* That, pursuant to the provisions of Section 48, Title 28, United States Code, as amended, Sec. 36, Pub. Law 248, 82d Cong. 1st Sess. app'd. Oct. 31, 1951, the Judicial Conference of the United States hereby consents to the Court of Appeals for the Eighth Judicial Circuit pretermitting for the balance of the fiscal year 1952, and fiscal year 1953, all terms and sessions of the Court at all designated places in the Circuit except at St. Louis, Missouri.

Courts of Appeals—Terms, Pretermitting of—Tenth Judicial Circuit—Oklahoma City, Oklahoma.—Chief Judge Orie L. Phillips presented the request of the Court of Appeals for the Tenth Judicial Circuit for the consent of the Judicial Conference of the United States to its pretermitting the terms of the court to be held at Oklahoma City, Oklahoma, for the balance of the calendar year, 1952. He stated that the reasons therefor were due entirely to the lack of adequate court facilities. The Conference was advised that the request had the approval of the Judicial Council of the Circuit.

The Conference, pursuant to the provisions of Section 48, Title 28, United States Code, as amended, consented to the request of the Court of Appeals of the Tenth Judicial Circuit as presented.

Courts of Appeals—Opinions, Distribution of and Charges for.—Pursuant to the direction of the Advisory Committee of the Conference, the Director submitted at the last regular meeting of the Conference a report and recommendations relating to the present practices governing the distribution of and charges for copies of opinions of the various Courts of Appeals furnished prior to the issuance of the advance sheets of the Federal Reporter, and the desirability of establishing a uniform policy with respect thereto. The question was originally presented to the Conference by Chief Judge Learned Hand (now retired) at its September Meeting in 1950.

Data relating to printing costs, receipts from sales, methods of distribution and other pertinent matters, which had been gathered and analyzed by Mr. Leland L. Tolman of the Administrative Office were also submitted. In addition, each member of the Conference gave a brief summarization of the situation existing in his

respective circuit, and presented views and recommendations concerning the adoption of uniform standards for all circuits.

It was the sense of the Conference that uniformity in most instances is highly desirable. However, because of the existence throughout the circuits of a substantial variation in relevant factors and conditions which must be considered and given material weight in any determination of the problem, the Conference was of the opinion that an adequate degree of flexibility must be provided so that each of the circuits may, in the light of local conditions, install whatever system in its opinion will best serve the interests of all concerned. It was felt that the adoption of modifications in certain of the prevailing practices would tend to bring about a substantial degree of standardization.

Whereupon, the Conference took the following action:

1. Directed that, effective July 1, 1952, the clerk of each Court of Appeals shall assess a charge of at least $1.00 for each printed copy of an opinion, such copy to include all separate and dissenting opinions in a single case and regardless of whether such copy be certified or uncertified.

2. Directed that, effective July 1, 1952, one copy of each opinion be furnished automatically and without charge to each party of record in a case.

3. In order to provide proper and adequate media of dissemination to the general public, authorized each Court of Appeals to establish for its circuit a limited "Public Interest List," this list to comprise principally public institutions, such as government agencies, law schools, news services, libraries, public officials and others as the court may determine, to which copies of all opinions or those on selected subjects may be furnished without charge regularly as they are issued.

The Conference urged the exercise of extreme care and diligence in the compilation of such lists in order that the expense incident to their maintenance may be kept at the minimum.

4. Approved of an "Opinion Subscription Arrangement" such as that now in effect in the Court of Appeals for the District of Columbia, under which any party so desiring may arrange to receive copies of all opinions of the court on an annual subscription basis as may be determined by the court.

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Thereupon, the Conference ordered that the Schedule of Fees to be charged for services performed by Clerks of the various Courts of Appeals, as prescribed by it at its September Meeting, 1945 (Rpt. Jud. Conf. Sept. 1945, pp. 22–23) be, and it is hereby, amended to read as follows:

FEES, CLERKS OF THE UNITED STATES COURTS OF APPEALS

The Judicial Conference of the United States, pursuant to the provisions of Title 28, Section 1913, United States Code, c. 646, 62 Stat. 954, June 25, 1948, prescribes the following schedule of fees to be paid for services performed by clerks of the United States Courts of Appeals on or after July 1, 1952, except when the services performed are on behalf of the United States:

1. For docketing a case on appeal or review or docketing any other proceeding, $25.00.

2. Preparing the record for the printer and supervising the printing (where required by rule or order of court), for each printed page of the record and index, $0.25, *Provided*, That the charge for any single record and index shall not exceed $250.00.

3. For making a copy (except a photographic reproduction) of any record or paper, and comparison thereof, 40 cents per page of 250 words or fraction thereof; for comparing for certification a copy (except a photographic reproduction) of any transcript of record, entry, record or paper when such copy is furnished by the person requesting its certification, 10 cents for each page of 250 words or fraction thereof.

For a photographic reproduction of any record or paper, and the comparison thereof, 25 cents for each page, and for comparing with the original thereof any photographic reproduction of any record or paper not made by the clerk, 5 cents for each page.

4. For every search of the records of the court and certifying the result of same, $1.00.

5. For each printed copy of any opinion, such copy to include all separate and dissenting opinions in a single case, regardless of whether such copy be certified or uncertified, a sum to be fixed by the Court of at least $1.00, *Provided*, That such charge shall not be assessed for:

a. Copies of opinions furnished to subscribers under any Opinion Subscription Arrangement that may be established pursuant to order of the Court, nor

b. Copies of opinions (one to each party) furnished each party of record in a particular case, or

c. Copies of opinions furnished those appearing upon a "Public Interest List" established by order of the Court in the interest of providing proper and adequate media of dissemination to the general public.

6. Fees for services of the clerks whenever performed in all cases docketed prior to January 1, 1946 shall be determined in accordance with the rates chargeable in such cases prior to July 1, 1952.

7. No other fees for services than those above prescribed shall be charged or collected by the clerks.

Appeals—Discretionary allowance of from interlocutory orders, judgments and decrees in certain instances.—Chief Judge John J. Parker, committee chairman, presented the report of the Committee designated to consider the proposal to amend the present provisions of the Judicial Code, Title 28, United States Code, by incorporating the following new section:

> "In addition to appeals from interlocutory orders, judgments and decrees permitted as of right under section 1292, a court of appeals, on the application of a party, may in its discretion authorize an appeal from an interlocutory order, judgment or decree if such court determines that such authorization is necessary or desirable to avoid substantial injustice. Any such application must be made within 30 days after the entry of the order, judgment or decree. No appeal will lie from any interlocutory order, judgment or decree in bankruptcy except as provided in this section or section 1292. Failure to take or apply for an appeal under this section or section 1292 shall not bar an appeal from any order, judgment or decree when it becomes final."

The Committee concluded that an amendment to the Code in the form proposed would unduly encourage fragmentary and frivolous appeals with the evils and delays incident thereto and disapproved the proposal.

The Conference approved the report of the Committee, and adopted its conclusions.

In view of Judge Parker's statement that a further proposal concerning the matter is to be submitted to the Committee, the Conference directed the Committee be continued for the purpose of considering such proposal and to submit a report and recommendations thereon to the Conference.

Condemnation Cases—Just Compensation, Method of determining.—Chief Judge Parker, Chairman of the Committee appointed to give study to the change in Rule 71A (h) of the Rules of Civil Procedure that will be accomplished by S. 1958, 82d Cong.,[2] presented the report of the Committee.

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[2] Rpt. Jud. Conf., Sept. 1951, pp. 28–29. Rule 71A (h), Federal Rules of Civil Procedure, adopted by Supreme Court, April 30, 1951, became effective August 1, 1951:

"Rule 71A (h). Trial. If the action involves the exercise of the power of eminent domain under the law of the United States, any tribunal specially constituted by an Act of Congress governing the case for the trial of the issue of just compensation shall be the

The Committee advised that extensive meetings were held and evidence taken, following which a tentative report encompassing the views and conclusions of the Committee was transmitted to all judges and the judicial councils of the various circuits with request that the Committee be informed of their thoughts in the matter.

It was the view of the majority of the Committee that the rule as promulgated by the Supreme Court embodied a wise and desirable practice and that, having been adopted by the Court after careful study and upon recommendation of an able and experienced committee,[3] it should not be changed as proposed by S. 1958, or otherwise, until it has been given a fair trial. From the expressions received, the position of the majority was favored in substantial degree.

Judge Parker advised that the Committee interprets the existing rule (Rule 71A (h)), as prescribing trial by jury as the usual and customary procedure to be followed, if demanded, in fixing the value of property taken in condemnation proceedings, and as authorizing reference to Commissioners only in cases wherein the judge, in the exercise of a sound discretion based upon reasons appearing in the case, finds that the interests of justice so require.

The Committee recommended that the Conference approve of its views and interpretation of the rule.

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tribunal for the determination of that issue; but if there is no such specially constituted tribunal any party may have a trial by jury of the issue of just compensation by filing a demand therefor within the time allowed for answer or within such further time as the court may fix, unless the court in its discretion orders that, because of the character, location, or quantity of the property to be condemned, or for other reasons in the interest of justice, the issue of compensation shall be determined by a commission of three persons appointed by it. If a commission is appointed it shall have the powers of a master provided in subdivision (c) of rule 53 and proceedings before it shall be governed by the provisions of paragraphs (1) and (2) of subdivision (d) of rule 53. Its action and report shall be determined by a majority and its findings and report shall have the effect, and be dealt with by the court in accordance with the practice, prescribed in paragraph (2) of subdivision (e) of rule 53. Trial of all issues shall otherwise be by the court."

S. 1958, 82d Cong., provides:

"Notwithstanding the provisions of subdivision (h) of rule 71A of the Rules of Civil Procedure, any party to an action in a district court involving the exercise of the power of eminent domain under the law of the United States may have a trial by jury of the issue of just compensation, except where a tribunal has been specially constituted by an Act of Congress governing the case for the determination of that issue, by filing a demand therefor within the time allowed by such rule for answer or within such further time as the court may fix."

[3] Advisory Committee on Rules of Civil Procedure: Composed of Hon. William D. Mitchell, Chairman, George Wharton Pepper, Vice-Chairman, and other eminent members of the legal profession.

The Conference approved of the recommendations of the Committee, including its interpretation of the rule, and directed that the Director inform the Congress of this action.

District Courts—South Dakota District—Divisions, Places of Holding Court.—Chief Judge Gardner of the Eighth Judicial Circuit presented the recommendation of District Judge A. Lee Wyman of the judicial district of South Dakota that Section 122 of Title 28, United States Code be amended as follows:

> "Sec. 122 South Dakota
>
> South Dakota constitutes one judicial district comprising two divisions.
>
> 1. The Eastern Division comprises the counties of Aurora, Beadle, Bon Homme, Brookings, Brown, Brule, Buffalo, Campbell, Charles Mix, Clark, Clay, Codington, Davison, Day, Deuel, Douglas, Edmunds, Faulk, Grant, Gregory, Hamlin, Hand, Hanson, Hughes, Hutchinson, Hyde, Jerauld, Kingsbury, Lake, Lincoln, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Potter, Roberts, Sanborn, Spink, Sully, Turner, Union, Walworth, and Yankton.
>
> Court for the Eastern Division shall be held at Sioux Falls.
>
> 2. The Western Division comprises the counties of Armstrong, Bennett, Butte, Corson, Custer, Dewey, Fall River, Haakon, Harding, Jackson, Jones, Lawrence, Lyman, Meade, Mellette, Pennington, Perkins, Shannon, Stanley, Todd, Tripp, Washabaugh, Washington, and Ziebach.
>
> Court for the Western Division shall be held at Deadwood."

In support of his recommendations, the following statement from Judge Wyman was submitted:

> "As you undoubtedly know the District of South Dakota is now, and, if my memory serves me right, since 1903 has been comprised of four divisions. At the time this statutory division of the district was made it was undoubtedly designed as that arrangement which would be most economical and best serve the convenience of the litigants of the district, and under the conditions existing at that time I feel that it was a proper and satisfactory arrangement.
>
> "Due to the change in conditions in general and particularly because of the change in the method of transportation from railroad or horse drawn vehicles to automobiles, there

is, in my opinion, no longer any justifiable excuse or reason for holding court at either the northern or central divisions. Since my appointment to the bench it has been only on rare occasions where there has been enough work in either of these two divisions to justify the necessary expense and inconvenience to the court of holding a term of court at either place. I am convinced the litigants on the whole can be served just as well, if not better, by the terms of court which are regularly held at both Sioux Falls and Deadwood.

"I am aware of the fact that under the law and the rules I have the authority to use my discretion and pretermit a term of court in any of the divisions when in my opinion conditions are such as to justify it. In effect I have been doing that both at Pierre and Aberdeen ever since I was appointed to the bench whenever in my opinion there was reasonable justification for such action, and with the exception of civil cases of a local character and certain minor criminal cases where the defendant has been released on bail, most of the cases in either of those two divisions have been transferred to either Sioux Falls or Deadwood by consent of the interested parties, but in civil cases of a local character there is at least a grave doubt as to the jurisdiction when a case is transferred to a division other than that where the statutory jurisdiction is located. In fact, I know of no way that any civil case can be removed to another division in the absence of the consent of both parties, except by change of venue because of convenience of witnesses or the inability of having a fair trial because of bias or prejudice in the community.

"In criminal cases where a defendant charged with some minor offense and who has been released on bail, we find that he will seldom ask to have the place of trial changed to Sioux Falls or Deadwood, and if his case is disposed of the court must go to Pierre or Aberdeen, as the case may be, prepared to try it, with the result that when the court convenes and the defendant is brought in for arraignment, knowing that he is confronted with the court and jury ready to try his case, he will plead guilty. I have experienced that situation upon numerous occasions with the result that the government has been subjected to a great deal of useless expense. I have drawn a jury at Pierre or Aberdeen on numer-

ous occasions when the only matters to be considered were minor criminal cases where the defendants had been released on bail and refused to apply for change of place of trial, and after two or more adjournments I found that in order to dispose of the cases I had to hold a term of court at Pierre or Aberdeen and when the cases were called for arraignment they were disposed of in a few moments upon pleas of guilty.

"This is a situation which, in my opinion, should be corrected, not only as a matter of convenience to the court, but because it would result in a material saving of Federal money.

"I know of no way to remedy the matter except by the action of Congress, and I have given the matter considerable thought. It has occurred to me that it is a matter of sufficient importance to warrant the attention of the Judicial Conference, and I am convinced that the Conference, after consideration of the matter, will take favorable action to remedy the situation—and the recommendations of the Conference would add materially to the favorable action by the Congress.

"I am enclosing herewith a tentative draft of a bill amending Sec. 122, Title 28, U. S. C., which, after consultation with the Clerk, the District Attorney and the United States Marshal, I am satisfied would be the best method of dividing the state into two divisions."

It was pointed out that the proposal was in accord with the views of the Conference [4] with respect to the elimination of divisions, places of holding court, etc., through proper consolidations.

Thereupon, the Conference approved the proposed amendment to Sec. 122 of Title 28, United States Code in the form presented by Judge Wyman, and authorized the submission of the bill to the Congress and appropriate steps to procure its enactment.

Venue and Jurisdiction—Antitrust cases.—The Director brought to the attention of the Conference his letter of February 11, 1952, directed to the Honorable Emanuel Celler, Chairman, Committee on the Judiciary of the House of Representatives, in response to a request made of him for an expression of views on the provisions of H. R. 6157.

This bill proposes to amend the present provisions of Sec. 12 of the Clayton Act (U. S. C. Title 15, § 22) which provide that any proceeding under the antitrust laws against a corporation may be

[4] Rpt. Jud. Conf., Sept. 1948, pp. 33, 35.

brought either in the judicial district where it is an inhabitant or in any district where it is found or transacts business, by adding to the section a provision prohibiting the transfer of any such proceeding to any other district "any provision of law notwithstanding", except with the consent of the party who instituted the proceeding.

The amendment would thus prevent the application to antitrust actions against corporations of the provisions of U. S. C., Title 28, section 1404 (a) which permit the district courts to transfer any civil action to any other district or division where it might have been brought, if such a transfer is for the convenience of parties and witnesses and in the interest of justice.

The Conference reaffirmed the views it previously expressed [5] in opposition to any change being made in present provisions of section 1404 (a) of Title 28, U. S. C., and specifically disapproved of the proposed amendment to Sec. 12 of the Clayton Act as provided for in H. R. 6157. The Conference approved of the Director's letter to Congressman Celler. The Director was instructed to advise the Congress of this action and to request that should hearings be held upon H. R. 6157, an opportunity be extended to the Judicial Conference for the purpose of presenting its views thereon.

Operation of the Jury System

Federal Grand Juries—Investigatory Powers.—District Judge Harry E. Watkins, Chairman of the Committee on the Operation of the Jury System, presented the report of the Committee.

The Conference was advised that the committee had given extensive consideration to the problems arising from its study of the authority and investigatory powers of Federal grand juries, but was not in position to submit its report at the present time. He stated that he expected the committee would be able to complete its work in ample time to submit a report at the next meeting of the Conference.

The Director was instructed to inform the Congress of the situation.

Jury Commissions—Composition, Powers, Duties and Compensation.—The Committee reported that the Committee on the Judiciary of the House of Representatives had reported favorably to the House a bill (H. R. 5254) providing for a jury commission for each of the United States district courts, prescribing its duties, and

[5] Rpt. Jud. Conf., Sept. 1951, p. 28.

fixing the compensation of the commissioners. The action of the House Judiciary Committee was taken without hearings being held on the measure.

It was pointed out that this was the same bill which the Conference had strongly disapproved at its September 1951 meeting;[6] also, that the Conference had previously recommended legislation authorizing the creation of jury commissions, and that a bill conforming with the views of the Conference in this respect had been introduced in the House of Representatives by Congressman Celler, Chairman of the Committee on the Judiciary. This bill (H. R. 4514) was previously approved by the Conference.[6]

The principal difference between the measures, and the major ground upon which the Conference's opposition to H. R. 5254, is based, is that H. R. 5254 would eliminate the clerk of the district court as a member of the jury commission in his district.

In the opinion of the Conference, this would be an uneconomical and impractical approach to the organizational problems involved. It would necessitate the appointment of an additional *paid* commissioner to perform duties that would otherwise be performed by the clerk and his office staff without added cost to the government.

The clerk is a valuable and useful part of the machinery for administering the jury system. He has broad experience in the work of the court, and is familiar with procedural details, the day-by-day requirements, and is adequately and properly supplied with personnel and equipment for the prompt and orderly dispatch of the business of the court. He is available on call, and is a permanent and full-time employee. Through his offices, there is provided a medium of inestimable value for the smooth and efficient operation of this important phase of the business of the courts.

The Conference again expressed its opposition to H. R. 5254; and reaffirmed its approval and endorsement of H. R. 4514. The Committee on the Operation of the Jury System and the Director were directed to advise the Congress of this action.

Juries—Instructions to.—The Committee reported that under date of February 26, 1952, the Judiciary Committee of the House of Representatives had reported favorably, H. R. 287, 82d Cong., 1st Session—this action being taken without hearings on the bill

[6] Rpt. Jud. Conf., Sept. 1951, p. 21.

nor opportunity being extended the Federal Judiciary for the purpose of expressing its views on the proposal.

Under the provisions of this bill, as introduced, the federal trial courts would be required to follow the law and practice of the states where they sit governing the form, manner, and time of instructing the jury, and the judge would be precluded from commenting upon the evidence or on the credibility of witnesses except as permitted by State Law.

Heretofore, the Conference has emphatically disapproved of legislative proposals identical in content. In 1937, when the Conference considered the provisions of H. R. 4721, 75th Congress, which had passed the House of Representatives and was pending in the Judiciary Committee of the Senate, the Conference adopted the following minute: [7]

> "H. R. 4721—The Conference adopted the following minute in relation to this measure:
>
> "The attention of the Conference has been called to H. R. 4721 now pending in the Congress.
>
> "The purpose of this bill is to require that in all cases, civil and criminal in the federal courts, as stated, 'the form, manner, and time of giving and granting instructions to the jury' shall be governed by the 'law and practice in the state courts of the state in which such trial may be had'. The result of the enactment of this bill will be to change the practice in the federal courts respecting the charging of juries in varying degrees in a large number of states. In many it will result in changing federal trial judges from active instruments of justice to mere referees of contests between opposing counsel. It will deprive the juries of the benefit of the learning and experience of the trial judge in the determination of issues of fact. Even the most honest and intelligent juries need and welcome the trial judge's aid in performing their often difficult duties so that they may arrive at a fair and impartial verdict and do full justice between the parties.
>
> "One of the outstanding excellencies of the federal courts in accomplishing justice is the right and duty of the federal judge to charge juries in a manner which will be most helpful to them in arriving at just verdicts, a feature of federal practice of especial importance in criminal cases in the interests

[7] Rpt. Jud. Conf., Sept. 1937, pp. 10, 11, and 12.

of both the Government and the defendant. Many decisions of the United States Supreme Court, as well as of the Courts of Appeals, have carefully laid down such limits as are necessary to prevent any encroachment upon the province of the jury by a judge in his charge, and such limitations are carefully enforced. Thus controlled, the long established and well-working present method of charging juries in federal courts should, in the opinion of the Conference, be continued. In expressing this opinion the Conference has not taken into consideration any questions of constitutional validity, and expresses no opinion thereon.

"The bill would substitute a practice which in state jurisdictions is gradually being abandoned. A notable instance is a recent constitutional amendment in California adopting the federal practice respecting charging juries in the courts of that State.

"We respectfully call this bill to the attention of the Attorney General and earnestly urge him to oppose its enactment."

Again in September 1943, as a result of its extensive study and survey of the entire Jury System, the Committee on the Operation of the Jury System, recommended that:

> "the present Federal practice which permits the trial judge to instruct the jury orally and to comment upon the evidence is an outstanding and satisfactory feature of Federal procedure and should be preserved."

and this recommendation was approved by the Judicial Conference.[8]

The Conference being of the same view which it has so strongly and emphatically expressed heretofore, reaffirmed its opposition to change in the present Federal practice for instructing juries as at common law; or in the form or time for instruction as stated in Rule 51 of the Rules of Civil Procedure and in Rule 30 of the Rules of Criminal Procedure, and ordered recorded its specific disapproval of H. R. 287, 82d Congress.

The Committee and the Director were authorized and instructed to inform the Congress of these views and action of the Conference.

[8] Rpt. Jud. Conf., Sept. 1943, p. 15.

Juries—Cost of.—Mr. Will Shafroth of the Administrative Office gave a brief résumé of the accomplishments achieved because of the special consideration being given by the district courts in an effort to increase the efficiency in the operation of the jury system. The decrease in costs, resulting from the adoption of methods providing for placing the business of calling jurors on a basis of actual need, was substantial, and the progress obtained was very satisfactory.

A review of the statistical data presented by Mr. Shafroth, and the report and recommendations of the Committee indicated that, especially in the metropolitan centers, additional improvements could be realized by the installation of modern methods of calendar administration which will avoid the calling of more jurors than are necessary, or the attendance of more jurors than are actually needed for trial work.

The Conference recorded its appreciation of the cooperation evidenced by the District Judges, and urged that they continue to give personal attention to the situation in their respective districts.

Judges—Retirement of.—Circuit Judge F. Ryan Duffy, Chairman of the Committee designated to consider the over-all subject matter covering the retirement of judges, presented the report of the Committee. The Conference was advised that, pursuant to its directions, the September 1951, report of the committee had been circulated throughout the judiciary with request that the committee be informed of the thoughts and views of the various judges with respect thereto. Judge Duffy stated that the report of the committee as presently submitted represents the conclusions and recommendations reached after consideration of the expressions received.

The Conference directed that the report of the Committee be received and, with the exception of the recommendations pertaining to the proposal to amend existing statutory provisions relating to the appointment of an additional or substitute judge in the cases where a judge who is permanently disabled from performing his duties fails to retire, consideration of the report be deferred until the next regular meeting of the Conference.

Substitute Judge on failure to retire.—Under existing law, in the event a district or circuit judge fails to resign or retire upon becoming eligible therefor because of age and tenure of service, the President may, upon his finding that such judge is unable to dis-

charge efficiently all the duties of his office by reason of permanent mental or physical disability and that the appointment of an additional judge is necessary for the efficient dispatch of business, appoint an additional judge by and with the advice and consent of the Senate.

The Committee recommended that these existing provisions of the statute be amended so that—

1. The scope thereof will be broadened so as to include all judges appointed to hold office during good behavior, including judges of the special courts, and

2. To include judges eligible to retire on account of permanent disability as well as those eligible on account of age and length of service, and that

3. As a condition precedent to the President's findings, a certification as to such judge's permanent disability and, because of such, his inability to perform the duties of his office, as well as to the necessity for the appointment of an additional judge, signed by a majority of the members of the Judicial Council of his circuit in the case of a circuit or district judge, or by the Chief Justice of the United States in the case of the chief judge of the Court of Claims, Court of Customs and Patent Appeals or Customs Court, or by the chief judge of his court in the case of a judge of the Court of Claims, Court of Customs and Patent Appeals or Customs Court, shall be presented to the President.

Judge Duffy informed that no objections had been received to this proposal.

The Conference approved of the committee's recommendations and directed that necessary steps be taken to submit an amendatory bill conforming to these recommendations to the Congress.

Supporting Personnel of the Courts

Chief Judge John Biggs, Jr., Chairman of the Committee on Supporting Personnel of the Courts presented the report and recommendations of the Committee covering various matters which had been referred to it for consideration.

Court Crier Positions—Reclassification.—The Committee requested the Administrative Office to undertake a job analysis survey of each of these positions in the Federal judiciary. The

results of this survey were before the committee when it considered the question as to whether or not any upgrading of existing grade classifications was justified. The Committee also had comparisons drawn with other positions in the Judiciary and the Executive Branch the duties and responsibilities of which were similar. It was pointed out that the employees falling within this group had received all cost-of-living and other pay adjustments which had been granted other Federal employees by the Congress.

Based upon these data and other pertinent factors developed in the committee's examination, the Committee concluded that the existing classification of these positions was in line with the grade classification levels of comparable positions throughout the Federal government, and that the positions were properly rated under existing job evaluation standards.

The Committee recommended that no upgrading of these positions be effected at this time.

The Conference concurred in the views and recommendations of the Committee.

Health Service Programs—Participation in by the Judiciary.—The Committee reported that it had given extensive study and consideration to the question raised by the Public Buildings Service of the General Services Administration as to whether or not the judiciary will participate for the personnel of the District Court for the Middle District of Tennessee in a health service program for employees of the government which will be housed in the new Federal building at Nashville. This particular program is being organized by the General Services Administration pursuant to the provisions of § 150, Title 5, United States Code, and certain Executive Orders.

The Committee stated that similar programs have already been installed on an experimental basis. In view of the effect that participating in the instant program may have on the over-all situation, insofar as the Judiciary is concerned, the Committee was of the opinion that it would be better to wait until such time as the results gained from these experimental programs may enable the advantages or disadvantages of participation to be more definitely determined.

The Committee recommended that the Director be authorized to inform the Public Buildings Service of the General Services Administration that the Judiciary is not prepared at the present

time to join in the program at Nashville, but desires to give the matter further consideration.

The Conference adopted the views and recommendations of the Committee, and directed the Director to act in accord therewith.

The Probation Service.—The Committee advised that, pursuant to directions of the Conference, it had undertaken a complete study of the Probation Service, with respect to the sufficiency of the numbers of personnel in the various offices and the adequacy and fairness of existing classifications of officers and employees. A thorough survey is nearing completion and the Committee will make effort to submit its report and recommendations at the next regular meeting of the Conference.

United States District Court—District of Columbia.—Pursuant to the directions of the Conference, the committee considered a plan of reorganization of the personnel structure of the various offices of this court. This proposal had been submitted for consideration of the Conference at its September 1951 meeting, and covers reclassifications of existing positions, the creation of additional positions and other problems incident to a general reorganization.

The Committee advised that a general survey of each position in each of the offices involved had been made and extensive hearings held. The data thus assembled were subject to intensive study by the committee in its consideration of the matter.

The recommendations of the Committee were as follows:

> *Reclassifications.*—With the exception of position classifications in the Office of the Register of Wills and Clerk of the Probate Court, (one office), the Committee was of the opinion that all matters relating to reclassification in the various offices should be passed over until consideration could be given to an over-all examination of the plan of classification in the Clerks' Offices throughout the country.
>
> With respect to the Register of Wills and Clerk of the Probate Court office, the committee was of the opinion that, in view of the fact that the existing classification structure of this office, with the exception of six positions, was established by a survey made in 1927 by the now defunct United States Bureau of Efficiency, and, because this office was not under the supervision of the Administrative Office at the time, no adjustments were made therein in 1943 when the general upward reclassi-

fication in the offices of the Clerks of the District Courts was effected, some immediate reclassifications were not only justifiable but necessary in order to bring the structure into line with relatively comparable positions in other agencies of the court.

The following reclassifications for positions in the office of the Register of Wills and Clerk of the Probate Court in the District of Columbia were recommended:

Position	*Recommended reclassification*
Register of Wills and Clerk of the Probate Court	From GS 14 to GS 15.
Chief Appraiser	From GS 7 to GS 9.
Asst. Chief Appraiser	From GS 5 to GS 7.
2 Senior Appraisers	From GS 4 to GS 5.
1 Junior Appraiser	From GS 3 to GS 4.
4 General Clerks	From GS 2 to GS 3.

Additional or New Positions.—The Committee reported that in its opinion a number of the offices of the court were seriously understaffed and that the following additional positions were needed as a minimum for efficient service.

Clerk's Office:

1 Secretary and Special Assistant to the Chief Deputy Clerk.
3 Deputy Clerks, one to be a Court Room Clerk and serve the pre-trial court.
3 Clerical Assistants.

Domestic Relations Commissioner:

1 Investigator.
1 Clerical Assistant.

Assignment Commissioner:

1 Secretary to the Assignment Commissioner.

Commission on Mental Health:

1 Clerical Assistant.

Register of Wills and Clerk of the Probate Court:

3 Accountant-Stenographers.... to be classified in GS–3
2 Senior Appraisers..... to be classified in GS–5
1 File Clerk..... to be classified in GS–3

In those instances where the grade classification is not indicated, the grade classification shall be determined by the Director.

The Conference concurred with the views and recommendations of the Committee, and adopted the following resolution:

Resolved, That the Administrative Office of the United States Courts shall make a study of the work of the Clerks' offices of the United States Courts and the classifications of the positions therein; and shall report its recommendations to the judges of the respective courts, and to the Committee on Supporting Personnel of the Courts.

The Committee shall consider any questions raised in reference to the report and shall report thereon, and on the recommendations of the Director to the Judicial Conference.

United States Commissioners—General.—Pursuant to the direction of the Conference, the committee made a "study of the present system of operation of the offices of the various United States Commissioners, with particular attention being given to the manner and method of payment of the Commissioners and their personnel, the costs of office operations, and the manner in which these expenses are being paid."

The Committee advised that during the course of its consideration, the report and recommendations covering an over-all survey of the Commissioner System submitted to the Conference in 1943 by a committee of which Chief Judge Carroll Hincks was Chairman was reviewed in the light of present day conditions; statistical data concerning the volume of business, the nature of services rendered and earnings of the various offices were analyzed, and statements from numerous Commissioners were studied. Attention was also given to various factors which were brought to light in the committees' deliberations.

Upon consideration of all this information, the Committee concluded that the present compensation of the United States Commissioners who are required to devote full time to their official duties, at least in the metropolitan centers such as the District of Columbia, is inadequate. It was the opinion of the committee that in those offices where the volume of business was such as to reasonably require the Commissioner to devote all his time to his

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official duties, the costs of the necessary clerical help and office expenses of the Commissioner should be borne by the government, rather than being deducted from the gross compensation of the Commissioner. It was felt that the adjustment in the personal compensation of the qualifying Commissioners resulting from this arrangement would be such as to place them upon adequate compensatory levels. In this connection, the Committee emphasized that their conclusions did not contemplate the payment of a Commissioner's clerical and office expenses simply because he devotes all his time to a few cases, but covered only those offices where it could reasonably be said that the duties incident to a proper and efficient dispatch of the business of the office required the full time and attention of the Commissioner.

The Committee recommended that the Conference do not at this time recommend any change in the manner and methods of compensating the United States Commissioners, but that the Conference do recommend to the Congress that provision be made for the Director of the Administrative Office of the United States Courts to allow and pay the necessary office and clerical expenses of those Commissioners who, as determined by the Administrative Office under the supervision of the Conference, are required to devote full time to the duties of the Office of the United States Commissioner.

The Conference concurred in the Committee's recommendations with respect to making no change in the manner and methods of compensating the Commissioners.

It was the sense of the Conference, however, that those Commissioners coming within the purview of the committee's definition of a "full-time" commissioner and whose expenses for necessary clerical assistance and office expense should be borne by the government should not engage in the private practice of law. Whereupon, the following resolution was adopted by the Conference:

> *Resolved,* That the Judicial Conference of the United States does hereby recommend to the Congress of the United States that legislative authority be provided for the Director of the Administrative Office of the United States Courts to allow and pay the necessary office and clerical expenses of those United

States Commissioners who, as determined by the Director of the Administrative Office of the United States Courts, under the supervision of the Judicial Conference of the United States, are required to devote their full time to the duties of the office of the United States Commissioner, and do not engage in the private practice of law.

United States Commissioner—District of Columbia.—Pursuant to recommendations of the Committee, the Conference took the following action with respect to certain legislative measures affecting the United States Commissioner in the District of Columbia which are now pending before the Congress:

Recorded its disapproval of H. R. 1041, which would provide a salary of $12,000 per annum for the United States Commissioners in the District of Columbia.

Recorded its disapproval of H. R. 4141 to the extent that it provides for the payment of the District of Columbia United States Commissioner's expenses as the "...district court considers necessary."

Recommended that Section 402 of H. R. 4141 be amended to read as follows:

"Each United States Commissioner for the District may employ secretarial and clerical assistance in such manner and incur such other expenses as the Director of the Administrative Office of the United States Courts considers necessary."

The Conference authorized the Director to advise the Congress of this action, and authorized the members of the Committee to appear before the appropriate Congressional Committee to express the views of the Conference.

Bankruptcy Administration

Circuit Judge F. Ryan Duffy, Chairman of the Subcommittee on Bankruptcy Administration,[9] presented the report of the Committee.

[9] Subcommittee authorized by the Conference—p. 20, Rpt. Jud. Conf., Sept. 1951.

The following changes in salaries and other arrangements for Referees were recommended, effective April 1, 1952:

Salaries:

District	Regular place of office	Type of position	Annual salary	
			Present	Increase to
Alabama (S)-----	Mobile----------	Part time-------	$2,500	$3,500
Indiana (S)-----	Indianapolis----	Full time-------	7,500	9,000

Other Arrangements—Middle District of Pennsylvania.—The present designation of Williamsport as a place of holding court for the referee at Harrisburg be changed to a place of holding court for the referee at Wilkes-Barre.

The Committee advised that the proposed changes had been presented to them with the approval of the Director based upon a survey and study of the situation in the light of present conditions; also, that the recommendations had been submitted to and approved by the Judges and Judicial Councils of the district and circuits affected.

The Conference adopted the recommendations of the subcommittee.

The Court Reporting System

The Director presented a report and recommendations covering requests for changes in arrangements and salaries for Court Reporters which had been received since the last meeting of the Conference in September 1951.

Changes in Arrangements—District of Montana.—In view of the certification by the Chief Judge of the Ninth Judicial Circuit as to the need for a law clerk for Judge W. D. Murray of this district, and the desire and willingness of Judge Murray to have the existing position of Court Reporter combined with the position of Law Clerk, thus eliminating an additional position, the Director recommended that the Conference authorize the creation of a combination position of Law Clerk-Reporter for Judge Murray. The Director also recommended, in line with the policy of the Conference, that the salary of such combination position be fixed at $5,500.00 per annum, with the proviso that a $5,000.00 per annum

rate shall be effective and payable immediately upon the change in position classification being effectuated; the additional $500.00 per annum to be effective from the date of the change in classification, but payable if and when funds are made available by the Congress covering increases authorized by the Conference in September, 1951.

The Conference upon consideration of the Director's report, and an oral statement presented by Chief Judge Denman of the Ninth Judicial Circuit concerning the situation, authorized the creation of a combination position of Law Clerk-Reporter for Judge W. D. Murray, the salary thereof to be fixed in accord with the Director's recommendations.

Salaries.—The Director advised that requests for salary adjustments had been received and considered respecting court reporter positions in the following judicial districts: Puerto Rico, Vermont, Alabama Middle, Indiana Southern, Iowa Northern, and New Mexico. In each instance, the job analysis heretofore made [10] was reviewed in the light of present day conditions. Based upon this reexamination, the Administrative Office had concluded that, with the exception of the position of the reporter for the District of New Mexico, there had been no change in pertinent job evaluation factors upon which a salary increase could be justified.

Upon review of the job analyses and consideration of the Director's report covering his reexaminations, the Conference concurred in the conclusions of the Administrative Office.

District of New Mexico.—The Director reported that since the last survey of this position, information had been received which indicated that certain conditions, materially affecting any evaluation of this position, had not been brought to light at the time the position was being analyzed. In the light of these additional factors and comparison with positions in the area having similar duties and responsibilities, the Administrative Office was of the opinion that this position should have been originally placed in the $4,500 per annum group, instead of its present rating of $4,000 per annum.

In addition to the foregoing, the Director advised that changes in conditions affecting the position, which have occurred since the general revision of the salary structure in September 1951, would completely justify a re-rating at this time.

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[10] A job analysis of each position in the Court Reporting System was made by the Administrative Office in July 1951.

Chief Judge Orie L. Phillips, a member of the former Committee of the Conference on the Court Reporter System, stated that he had reviewed the situation existing at the time the Conference Committee recommended a general revision of the salary structure for the System, and, in the light of the additional information which had been received with respect to conditions not then disclosed, it was his considered judgment that the $4,500 per annum rate now recommended by the Director was entirely consistent with the salary levels determined upon by the Committee, and adopted by the Conference, for positions carrying similar duties and responsibilities.

The Conference thereupon directed that the salary of the Court Reporter for the District of New Mexico be increased to $4,500 per annum, effective April 1, 1952, contingent upon funds being made available therefor by the Congress.

General.—The Chief Justice called the attention of the Conference to communications which had been received from Richard J. Martin, Secretary-Treasurer, and Mr. Earl T. Chamberlin, Chairman, Committee on Legislation and Regulations of the Conference of United States Court Reporters with respect to a bill (H. R. 6965) pending in the House of Representatives, the provisions of which would remove the existing statutory ceiling of $6,000.00 per annum on salaries of Court Reporters. Each member of the Conference advised that he had been furnished a copy of each of these letters, as well as a copy of H. R. 6965.

Reference was made to the fact that the letter from Mr. Martin, indicated that the Officers and Executive Council of the Reporters' Conference had unanimously agreed to seeking the enactment of legislation in the form presented by H. R. 6965, which was introduced by Honorable Francis E. Walter of Pennsylvania, and that the communication from Mr. Chamberlain suggested that in view of the thought that "it would probably be futile to ask Congress to remove the salary ceiling" the Judicial Conference may propose an amendment whereby the ceiling theory would be preserved, but the existing statutory ceiling would be increased to $9,000 per annum, or whatever ceiling the Conference may determine.

A letter from Mr. Gerrit I. Buist, Chairman of the Conference of United States Court Reporters requesting the appointment of a

Committee of the Judicial Conference for the purpose of hearing representatives of the Reporters' Conference on matters of general concern to all Federal court reporters was brought to the attention of the Conference.

Changes in Arrangements, Salaries and other matters affecting the Court Reporting System.—The Conference ordered that henceforth all matters concerning the Court Reporting System, including all requests affecting existing arrangements and present salary structure, be referred or directed to the Director for his attention and consideration; and that such of these proposals and requests which, in the opinion of the Director, warrant consideration by the Conference shall be submitted at the meeting of the Conference following their receipt by the Director. The Director's submission shall be accompanied by a full report covering the proposal, the basis upon which the request is grounded, and his recommendations in the premises.

Revision of the Criminal and Judicial Codes.—Circuit Judge Albert B. Maris, Chairman of the Conference Committee on the Revision of the Criminal and Judicial Codes presented an interim report of the Committee.

The Conference was advised that through the enactment of Public Law 248, 82d Congress, approved October 31, 1951, all of the amendments to the codes proposed by the Committee and recommended by the Conference had become law.

The Conference ordered the report of the committee received and approved.

Habeas Corpus—Applications for writ of.—Chief Judge Denman presented the following resolution of the Judicial Council of the Ninth Judicial Circuit:

> "The Judicial Council of the Ninth Circuit requests that the Judicial Conference of the United States consider and act upon the proposal of this council's resolution adopted at a meeting held on March 12, 1952, as follows:
>
> *Whereas,* it appears that Congress has made the provisions of the motion procedure of Title 28, § 2255 of the United States Code a substitute for the writ of habeas corpus sought by federal prisoners; and
>
> *Whereas,* such substitute is in the nature of a writ of coram nobis and decisions thereunder are res judicata of any question presented in the motion; and

Whereas, the declared purpose of this legislation is to prevent the evil of repetitious applications raising the same issues by federal prisoners; and

Whereas, the evil of such repetitious applications filed by prisoners in custody under sentences of courts of the states is as much a burden on the courts as those filed by federal prisoners:

Now, therefore, be it resolved, that § 2254 of Title 28 of the United States Code be amended by the addition thereto of the following paragraph:

A second or successive application by a prisoner in custody under sentence of a court of any state for a writ of habeas corpus to a federal court, justice or judge, shall not be entertained if it appear that the applicant presents in the second or successive application the same question that he presented in the first application and upon which he has been denied relief."

Upon consideration, the Conference disapproved the resolution.

Appropriations—General.—The Director was authorized, with the approval of the Chief Justice, to seek from the Congress by deficiency or supplemental appropriations the additional funds required to defray the expenses incident to carrying out the recommendations of the Conference.

The Conference again reviewed the estimates submitted in a request for a Supplemental Appropriation for the fiscal year, 1952, and reiterated its views with respect to the urgent need for the funds requested therein.

Legislation Affecting the Judiciary.—The Conference took especial cognizance of the fact that upon several occasions legislative matters, in which the Judiciary had a very vital interest, have been acted upon by Committees of the Congress without an opportunity having been extended to the Judiciary for the purpose of making known its views concerning the proposals.

It was the earnest hope of the Conference that the Committees of the Congress would, in each instance, call upon the Judiciary, through the Director of the Administrative Office, for an expression of views on proposals which have been presented that may affect the Judiciary, and especially so when the Committee contemplates positive action upon any such measure.

Courts—District of Columbia—Establishment of a separate domestic relations court.—The Conference, upon motion, reaffirmed its recommendations [11] favoring the establishment of a separate domestic relations court in the District of Columbia.

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 16, 1952.

[11] Rpt. Jud. Conf. Mch. 1951, p. 7.

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