

REPORT OF THE JUDICIAL CONFERENCE.

SPECIAL SESSION, 1944.

A special session of the Judicial Conference of Senior Circuit Judges was convened on April 15, 1944, on the call of the Chief Justice, and continued in session throughout the day. The following judges were present:

The Chief Justice, presiding,
First Circuit, Senior Circuit Judge Calvert Magruder,
Second Circuit, Senior Circuit Judge Learned Hand,
Third Circuit, Senior Circuit Judge John Biggs, Jr.
Fourth Circuit, Senior Circuit Judge John J. Parker,
Fifth Circuit, Senior Circuit Judge Samuel H. Sibley,
Sixth Circuit, Senior Circuit Judge Xenophon Hicks,
Seventh Circuit, Senior Circuit Judge Evan A. Evans,
Eighth Circuit, Senior Circuit Judge Kimbrough Stone,
Ninth Circuit, Senior Circuit Judge Curtis D. Wilbur,
Tenth Circuit, Senior Circuit Judge Orie L. Phillips,
District of Columbia, Chief Justice D. Lawrence Groner.

The Director of the Administrative Office of the United States Courts, Henry P. Chandler, the Assistant Director, Elmore Whitehurst, and other members of the staff of the Administrative Office were in attendance.

The meeting was called to consider various matters relating to the establishment of the system of official court reporters provided by the Act of January 20, 1944, Public Law No. 222. The Act provides for the appointment of one or more court reporters for each District Court of the United States, and permits the combination of the duties of reporter with those of any other employee of the court, if approved by the Judicial Conference. It provides that the Judicial Conference shall determine the number of reporters to be appointed and fix their salaries.

The Conference resolved that for each district there be authorized, if requested by the district judges, the appointment of a number of reporters equal to the number of ac-

tive district judges appointed for the district, and that in those instances where judges are appointed for more than one district, the appointment be authorized, if requested, of one reporter for each such judge, to serve in the districts for which the judge is appointed.

It was resolved that court reporters not serving the court in any other capacity be classified into five classes, at annual salaries of \$3,000.00, \$3,600.00, \$4,000.00, \$4,500.00, and \$5,000.00, and that in the determination of the appropriate classification for each reporter consideration be given to (1) the recommendations of the district judges for the district in which the appointment is to be made, which had been submitted prior to the convening of the Conference through the respective senior circuit judges; (2) the number of sessions of the district court held during the year; (3) the number of days spent during the year in trial or argument of cases in the district court; (4) the population of the district and the cost of living in the locality; (5) the amount of time during which the reporter would be required to be in attendance upon the court engaged in the performance of his duties, and the opportunities available to him to earn additional compensation for work unrelated to his position as federal court reporter; and (6) relevant special circumstances, including the cost of similar services in the locality. It was the understanding of the Conference that one of the purposes of Congress in adopting the court reporter bill was to reduce the cost to litigants of reportorial service, and it was accordingly agreed that the salaries should be so fixed as to provide the principal source of income for the court reporter, in order that transcript fees could be kept as low as is practicable. It was further resolved that all action taken by the Conference in the fixing of salaries for reporters be regarded as tentative, and that the entire subject be reconsidered at the regular Conference of Senior Circuit Judges in 1945 on the basis of the experience which would be acquired in the meantime.

The Conference further resolved that should any reporters be appointed for temporary service not exceeding

three months, as authorized by the Act, such reporters should be compensated at a per diem rate equivalent to the usual rates charged in the locality for comparable services, and should be allowed to charge the transcript fees prescribed for the district.

The Conference resolved that the district courts be requested to prescribe the fees to be charged for transcripts as required by the Act, and to submit the results of their action to the Director by June 15, 1944, for presentation to the Conference at its next annual session for its approval or disapproval.

It was resolved that it was the sense of the Conference that the fifteen per cent additional compensation provided by the War Overtime Pay Act of 1943, Public Law No. 49, does not apply to the salaries to be paid to court reporters, including the total salaries prescribed by the Conference for court reporters whose functions are combined with those of other court employees.

It was resolved that it was the sense of the Conference that the duty of the court reporter to "transcribe and certify all pleas and proceedings in connection with the imposition of sentence in criminal cases", prescribed by the Court Reporter Act, does not include the transcription of evidence and of the argument of counsel unless such transcription is ordered by the district judge.

It was the sense of the Conference that each reporter should devote his personal services to the duties of his position, but that when he needs assistance for the purpose of furnishing transcripts of proceedings currently or for other reasons he should be permitted to employ assistants satisfactory to the judge of the court whose proceedings he is reporting, to be compensated by the reporter.

The Director was authorized to present to Congress an estimate for the appropriations for the court reporter system in accordance with the figures for reporters' salaries approved by the Conference, plus an estimated sum of \$30,000.00 for transcripts of records for persons permitted to sue or defend as poor persons and an estimated sum of \$33,000.00 for travel expenses of reporters, the estimate

for the fiscal year 1945 to be based on operations for three-quarters of the year beginning October 1, 1944. Together with the foregoing the Director was authorized to present to Congress an estimate of \$133,000 for a deficiency appropriation for fees of United States Commissioners. The Conference authorized the members of the Advisory Committee to give their support in such way as seemed to them advisable in the presentation to the Congress of the estimate for the appropriation for the court reporting system.

The Conference deferred until the next annual session the determination of standards of qualifications for court reporters.

In conformity to the foregoing resolutions the Conference authorized the appointment of the following numbers of reporters for the district courts for the several judicial districts and fixed their annual salaries at the following amounts:

For the District of Columbia: twelve reporters, six at \$5,000.00, to be available throughout the year, and six at \$4,000.00 to be available from October through June, inclusive,

For the District of Maine: one reporter, to act also as secretary to the judge, at \$3,600.00,

For the District of Massachusetts: four reporters, two at \$5,000.00, and two at \$4,500.00,

For the District of New Hampshire: one reporter, at \$3,000.00,

For the District of Rhode Island: one reporter, at \$3,000.00,

For the District of Puerto Rico: one reporter, at \$3,600.00,

For the District of Connecticut: two reporters, at \$4,500.00,

For the Northern District of New York: two reporters, at \$3,600.00,

For the Eastern District of New York: six reporters, at \$5,000.00,

For the Southern District of New York: twelve reporters, at \$5,000.00,

For the Western District of New York: two reporters, at \$4,500.00,

For the District of Vermont: one reporter, to serve also as clerk of the probation office, at \$3,000.00,
 For the District of Delaware: one reporter, at \$5,000.00,
 For the District of New Jersey: four reporters, at \$5,000.00,
 For the Eastern District of Pennsylvania: five reporters, at \$5,000.00,
 For the Middle District of Pennsylvania: two reporters, at \$4,000.00,
 For the Western District of Pennsylvania: three reporters, at \$4,500.00,
 For the District of the Virgin Islands: one reporter, to act also as secretary to the judge, at \$3,500.00,
 For the District of Maryland: two reporters, at \$4,000.00,
 For the Eastern District of North Carolina: one reporter, at \$3,000.00,
 For the Middle District of North Carolina: one reporter, at \$3,000.00,
 For the Western District of North Carolina: one reporter, at \$3,000.00,
 For the Eastern District of South Carolina: one reporter at \$3,000.00,
 For the Eastern and Western Districts of South Carolina: one reporter, at \$3,000.00,
 For the Western District of South Carolina: one reporter, at \$3,000.00,
 For the Eastern District of Virginia: two reporters, one at \$4,000.00, or in the alternative a reporter to serve also as secretary to the judge, at \$5,200.00, to serve the judge sitting at Richmond, Virginia; and one reporter, at \$3,600.00, to serve the judge sitting at Norfolk, Virginia,
 For the Western District of Virginia: two reporters, at \$3,000.00,
 For the Northern District of West Virginia: one reporter, at \$3,600.00,
 For the Northern and Southern Districts of West Virginia: one reporter, at \$3,600.00,
 For the Southern District of West Virginia: one reporter, at \$3,600.00,

For the Northern District of Alabama: two reporters,
 at \$3,600.00,
 For the Middle District of Alabama: one reporter, at
 \$3,000.00,
 For the Southern District of Alabama: one reporter,
 at \$3,600.00,
 For the Northern District of Florida: one reporter,
 at \$3,000.00,
 For the Northern and Southern Districts of Florida:
 one reporter, at \$3,600.00,
 For the Southern District of Florida: three reporters,
 at \$3,600.00,
 For the Northern District of Georgia: two reporters,
 at \$4,000.00,
 For the Middle District of Georgia: one reporter, to
 act also as secretary to the judge, at \$4,500.00,
 For the Southern District of Georgia: one reporter,
 to act also as secretary to the judge, at \$4,500.00,
 For the Eastern District of Louisiana: two reporters,
 at \$3,600.00,
 For the Western District of Louisiana: two reporters,
 at \$3,600.00,
 For the Northern District of Mississippi: one reporter,
 at \$3,000.00,
 For the Southern District of Mississippi: one reporter,
 at \$3,600.00,
 For the Northern District of Texas: three reporters,
 at \$3,600.00,
 For the Eastern District of Texas: one reporter, at
 \$3,600.00,
 For the Southern District of Texas: two reporters, at
 \$4,000.00,
 For the Western District of Texas: two reporters,
 at \$3,600.00,
 For the District of the Canal Zone: one reporter, at
 \$4,000.00,
 For the Eastern District of Kentucky: one reporter,
 at \$4,000.00,
 For the Eastern and Western Districts of Kentucky:
 one reporter, at \$4,000.00,
 For the Western District of Kentucky: one reporter,
 at \$4,000.00,

For the Eastern District of Michigan: five reporters,
 at \$4,500.00,
 For the Western District of Michigan: one reporter,
 at \$4,500.00,
 For the Northern District of Ohio: four reporters, at
 \$4,500.00,
 For the Southern District of Ohio: three reporters, at
 \$4,000.00,
 For the Eastern District of Tennessee: two reporters,
 one at \$3,600.00, to serve the judge sitting at Knox-
 ville, Tenn., and one reporter to act also as secre-
 tary to the judge, at \$4,000.00, to serve the judge
 sitting at Chattanooga, Tenn.
 For the Middle District of Tennessee: one reporter,
 at \$4,000.00,
 For the Western District of Tennessee: one reporter,
 at \$4,000.00,
 For the Northern District of Illinois: six reporters, at
 \$5,000.00,
 For the Eastern District of Illinois: two reporters, at
 \$3,000.00,
 For the Southern District of Illinois: two reporters,
 at \$3,000.00,
 For the Northern District of Indiana: one reporter,
 at \$3,600.00,
 For the Southern District of Indiana: one reporter,
 at \$3,600.00,
 For the Eastern District of Wisconsin: one reporter,
 at \$4,500.00,
 For the Western District of Wisconsin: one reporter,
 at \$3,000.00,
 For the Eastern District of Arkansas: one reporter,
 to act also as secretary to the judge, at \$4,500.00,
 For the Eastern and Western Districts of Arkansas:
 one reporter, to act also as secretary to the judge,
 at \$4,500.00,
 For the Western District of Arkansas: one reporter,
 at \$3,600.00,
 For the Northern District of Iowa: one reporter, at
 \$3,600.00,
 For the Southern District of Iowa: one reporter, at
 \$3,600.00,

- For the District of Minnesota: three reporters, at \$4,500.00,
- For the Eastern District of Missouri: two reporters, at \$4,500.00,
- For the Eastern and Western Districts of Missouri: two reporters, one at \$4,500.00, to serve Judge Collett, and one reporter, to serve also as secretary to the judge at \$3,500.00, to serve Judge Duncan, with authorization to employ temporary reporters when sitting in St. Louis and Kansas City on a per diem basis at a cost not exceeding \$1,200.00 a year,
- For the Western District of Missouri: two reporters, at \$4,500.00,
- For the District of Nebraska: two reporters, at \$4,000.00,
- For the District of North Dakota: one reporter, to act also as secretary to the judge, at \$4,500.00,
- For the District of South Dakota: one reporter, to act also as secretary to the judge, at \$4,500.00,
- For the District of Arizona: two reporters, at \$3,000.00,
- For the Northern District of California: four reporters, at \$5,000.00,
- For the Southern District of California: eight reporters, at \$5,000.00,
- For the District of Idaho: one reporter, to serve also as secretary and law clerk to the judge, at \$4,000.00,
- For the District of Montana: two reporters, each to serve also as secretary and law clerk to a judge, at \$4,000.00,
- For the District of Nevada: one reporter, at \$3,000.00,
- For the District of Oregon: two reporters, at \$4,000.00,
- For the Eastern District of Washington: one reporter, at \$4,000.00,
- For the Western District of Washington: three reporters, at \$4,000.00,
- For the District of Alaska: four reporters, one for each Division, each to act as secretary to a judge, at \$4,500.00,
- For the District of Hawaii: two reporters, one at \$4,000.00, and one at \$3,600.00,

For the District of Colorado: one reporter, at \$3,-
600.00,
For the District of Kansas: one reporter, at \$3,600.00,
For the District of New Mexico: one reporter, to act
also as secretary to the judge, at \$4,000.00,
For the Northern District of Oklahoma: one reporter,
at \$3,600.00,
For the Eastern District of Oklahoma: one reporter,
at \$3,600.00,
For the Western District of Oklahoma: one reporter,
at \$4,000.00,
For the Northern, Eastern and Western Districts of
Oklahoma: one reporter, at \$3,600.00,
For the District of Utah: one reporter, at \$3,000.00,
who shall be allowed to act also as United States
Commissioner,
For the District of Wyoming: one reporter, at \$3,-
000.00.

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

For the Judicial Conference:

HARLAN F. STONE,
Chief Justice.

May 2, 1944.