

MEMORANDUM FOR THE FILE:

Talked with Joe Stewart, (Court of Appeals) and he will contact Miss Just relative to her "reporting" of the Chief Justice's remarks.

Inasmuch as the Chief Justice was talking "off-the-record", it was his desire that no record be made - or retained - of his remarks; that there is so much editing and correcting to do of the supposed report of Miss Just's that the C.J. just doesn't have the time to go over it.

We agreed that Mr. Stewart should approach Miss Just as the Secretary of the Conference and request for her to destroy any record she may have ~~of~~ of the speech, inasmuch as the talk was an "off-the-record" one of the C.J. to the Conference. Mr. Stewart will inform the result of his efforts.

The Croydon
1815-17th Street, N.W.
Washington 9, D.C.
June 30, 1948

Chief Justice Fred M. Vinson,
United States Supreme Court,
Washington, D.C.

Dear Mr. Chief Justice:

I am enclosing for such use as you may wish to make of it, the latter portion of your excellent address before the Judicial Circuit Conference of the District of Columbia. I jotted down your address inasmuch as I noticed there apparently was no reporter present. Since I was sitting at the back of the room I occasionally missed a few words, but believe the transcript is substantially correct, and may enable you to reconstruct your address in full.

Very sincerely yours,

Carolyn R. Just
Carolyn Royall Just

REMARKS OF CHIEF JUSTICE VINSON JUNE 17, 1948 BEFORE THE JUDICIAL CONFERENCE FOR THE
DISTRICT OF COLUMBIA

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(Before remarks were reported the Chief Justice referred to Chief Justice Hughes having elevated him to the Supreme Bench; the reference to Chief Justice Groner as Chief Justice Vinson, and the accomplishments of past Judicial Conferences)

It was not so many years ago that the judiciary was part and parcel of the executive. The judiciary was compelled to go to the Department of Justice if they desired a supply of lead pencils. Then the change came and more today than yesterday the judiciary stands as the equal of the executive; the courts on an equal footing with other parts of the government, and that is as it should be. The judiciary should have conducted its own affairs and it is conducting its own affairs.

The Judicial Conference held here today is part and parcel of that democratic process, to have conferences throughout the country, to have the recommendations of the conferences, to have that right by the statute that created the Administrative Office, which has done a remarkable job. When the Director speaks to you on the accomplishments of his office, he will tell you of the improvement in the judicial process and make a report of the changes he has done. He has had a very prominent part in the administration of the courts. Some judges think he is too hard-boiled. Maybe he is not hard-boiled enough. I recall definitely the feeling we had here when we put into practice the making of reports, of making motions and cases extra-judicial work. I resented it. I was a federal judge and they were monarchs of all they surveyed, and it seemed to me they were inching over on the independence of the courts. It is a wonderfully fine thing. When I look at the record on March 31 this year and find that the District of Columbia, in the District Courts of the District of Columbia there is not a single motion or single case taken under advisement that remains with that judge and has remained more than 60 days. That is remarkable. I

think perhaps the practice of reporting may have helped bring that to fruition, but this is the only court in the United States which has such a record. It made me proud to remember that the first official act as Chief Justice was to sign the order that permits me to be here today in the capacity of your Circuit Justice.

Many people have participated in the improvements, in the changes that have occurred in the past 10 years. I was here the first five years of that period, and I as well as other members of the Court at that time had a part in working with my Chief Justice, Chief Justice Groner. He was a member of the Conference of Senior Circuit Judges, Chairman of the Advisory Committee. He took the laboring oar and he, and sometimes others of us, would go with him to the Hill. He was met with the respect that not only commanded, but the respect that all coming in contact with him had, and before I get off the subject of the Hill, let me say that in my experience the Congress of the United States has given great consideration to the improvement of the judicial process. That goes for both House and Senate. That goes too for members irrespective of their party line. They have been most helpful. Sometimes we think that they haven't moved quite as fast as we would have liked.

Looking at Chief Justice Laws, we think of the question of the new Court building. Improvements could not be made because of shortage of material. The day before yesterday appropriations came out of Committee, passed the House and are moving fast now, with passage assured. I repeat the contacts that you representatives of the Courts, of the lawyers, of the public, so far as the judiciary is concerned have been pleasant; they have had very pleasant consideration from members of the Congress, regardless of their political status, and much has been accomplished.

You should have seen Harold Stephens when he got the word that a new monument had been erected on the road that he was to tread. The passage of the amendment to the Judiciary Code Title 28 has been in the making a long long time. Chief Justice Groner again was interest in that in the Conference of Senior Circuit Judges. He has had a particular interest in the codification of the laws in that section of our "house". Chief Judge Stephens made a real contribution and there are others probably who, did. But there is one judge who is not a member of this Conference but a Circuit Judge, Albert B. Maris who has lived with it veritably for the last seven months. Before that he has spent hours, weeks, altogether in working toward the final objective and much tribute should be paid him for his efforts. I could call the roll in regard to accomplishments that the courts have made for themselves. Certain people were on committees and had opportunity and by continuity of effort were placed in the front line of the campaign, but it is the Courts' effort that has brought about wonderful improvement in our system.

I rarely come into this building that I don't think of the day when I came here, on May 12, 1938. There had been some delay in my getting here. I got through the tax bill May 11, resigned pronto, and came down here May 12. These judges had been carrying on and they never would tell me how angry they were with me for delaying my government. I had a couple of conferences with Chief Judge Groner and he had the same effect on me as he has on you when he wants to crack the whip. We had no library here. Only small working libraries in our chambers. The Department of Justice was very gracious about it.

They came to realize it was almost a scandal for the most important Circuit Court in the United States not to have a library. We had to cart out books, from the District Building and if I understand it correctly that library was there by courtesy and sufferance. As long as it is there it is available. Books of law are just as straight in reading law when owned by the D. C. Bar Association as though owned by the Government.

On the question of court reporters and civil procedure, Homer Cummings was the leader in that fight. I shall never forget the situation that existed. Judge Miller, who always resents my calling him "Judge", but coming from Kentucky when a man learned in the law arises to his position we say "Judge" Miller. He will bear me out. Walter Bastian hadn't started running for office in the American Bar Association at that time and possibly he might not have had as constant an attendance ten years ago as Judge Miller. But the ABA had given up in regard to the passage of a statute that would result in the creation of rules of civil procedure. Cummings took the floor, went to work, got the staff and finally the evolution of rules of civil procedure. Don't think I don't remember the flurry in the District of Columbia when that was done. I had had some experience in the common law field in West Virginia. I wasn't too ill at ease there as I was some place else. In Kentucky we followed the New York code, had had a code for some years. I took the rules layed down by the Kentucky rules and New York rules and felt at home. But there were criticisms, fear of the new; elimination of counts and repetitious language, which we sort of thought was a form of sanctum sanctorum of the lawyer. A great service was rendered. From time to time there will be amendments, correction if needed.

I shall mention a few things about our reporter system, court reporters. I was shocked when I came down here and found the situation that existed among our court reporters. We put through an increase in personnel, in salary of personnel. I recall when Justin Miller was Chairman of the Conference of Circuit judges he made a study of that problem, made a report and the result that occurred. I won't attempt to run this further in regard to that field but there are a dozen other things, some of them major. So-called minor changes that help a lot but we can't live in the past. You can't live in the present. You have got to keep our eyes to the front and use our brains and hearts in making out lives the kind of lives that they should be. The work of the judges here in the District of Columbia is most important work. The work of judges any place is most important work. Comparisons are odious they say, but it just happens that I know and believe every judge in the District of Columbia has the capacity for the position he occupies. I am better acquainted with some of them than others but I have had an opportunity to see the working of law in the District of Columbia. I don't see how it could be possible in the selection of the number of judges that are here that you could have a stronger group of judges than you have got. Of course, judges have differences of opinion, but it is a question of independence, intelligence and courage of men. Whether others agree or not doesn't count. And sometimes it has happened that on a given occasion a judge may be on the losing side, and after the passage of time must give way to this Court, and the judge doesn't like it. There is necessarily a difference in viewpoint, in training in the law. You may be mad at a judge ~~doesn't like it. There is necessarily a difference in viewpoint, in training in the law. You may be mad at a judge~~

48 or 72 hours after he decides a case against you but after that you have ~~to~~ acquiesce and bow to the result. Seriously, I am proud of my position, and I am proud of the justices of the United States and to be your Circuit Justice.

A lot of people have panaceas for the ills of the bar. I would be unnatural if I didn't have the cures of a sick world's diseases. My cure is law and order. I don't believe that we will have the kind of a world that we should have until rules that we call law bring disorder into order. In my judgment it is a long-range program. Peoples of the world with governments, characteristics, attributes, and objectives so different from ours must have time in which to get their house in order. I believe and I have the faith to believe that the spiral working in the field of law and order will finally right the whole ship. That doesn't mean we ought to sit down and possibly go to sleep while other folks are waking. We must be awake, alive, alert to problems abroad and at home. We must be strong because so far as I am concerned it will in my view be a long time before things become as tranquil as we would have them. The effects of war and the rift will be a long time. You have to keep alive, awake and have continuous effort in order for our civilization, the civilization that we know may survive. You have to be strong at home. You have to be strong economically. And above all here is where the judiciary comes in. The judiciary must have the respect of our people. We have no army and navy or marine corps to enforce our decrees, and yet so far as I know, -- well I can recall a couple of instances where honor and recognition^{was} given to the decree of one court but the function of the court and that not only goes for the high courts, low courts, but all courts, and the work of the court, the respect that our people have for the courts will be a real

contribution to the strength that we must have here at home, in order to see the success of our hopes.

A gentleman gave ^{me} a book the other day, a book of quotations, his own compilation, and I opened it. I opened it to his chapter on courage. And the first quotation that met my eye was one from Seneca. And it was, "Courage leads us to health; Fear leads to death." It struck me as being peculiarly applicable in our troubled world. We have a courage and we will act. We have demonstrated it many, many times. As a nation and as a people. One of the things that makes me proud of the judiciary is the courage that they have. Independent as far as the winds that blow outside of the courtroom and with courage, the judiciary of our country are enabled to withstand gales that go around them, and the judiciary of our country today has, and will continue have, and I know no parcel of the judiciary that will and does not have the courage that a judge, a just judge must have in order to fill the spot and the honor that is their rank.

MEMORANDUM

June 28, 1948

TO Mrs. Grace Stewart

FROM Carolyn R. Just

RE REMARKS OF ATTORNEY GENERAL BEFORE JUDICIAL CONFERENCE FOR THE
DISTRICT OF COLUMBIA

Attached is a copy of the remarks made by the Attorney General before the Judicial Conference for the District of Columbia, for such use as he may desire to make of them. I am also attaching for his information a copy of the remarks of Chief Justice Vinson made on the same occasion.

REMARKS OF ATTORNEY GENERAL CLARK BEFORE THE JUDICIAL CONFERENCE FOR THE
DISTRICT OF COLUMBIA
June 17, 1948

of the older lawyers in the firm

Chief Justice Stephens, Chief Justice Vinson, members of the judiciary, and fellow lawyers: I am deeply honored at the expressions of the Chief Justice. I wish to repeat that now. I doubt if ever in the history of the country there were four chief justices in one court. His expressions are not only important for the accomplishments of the District of Columbia but of this group of judges that make up this judicial conference that you now have in session. It is indeed fortunate in having as its Circuit Justice the Chief Justice of the United States. One of the things I am most proud of is the small part I had in suggesting Justice Stephens and Proctor to the President of the United States for the high offices they fill with such great dignity and efficiency. I notice some others as I look around I had a part in. I am proud that you said we have a strong bench. I hope the lawyers here think the same thing. I use the bench here as an example because I think it is emblematic of what we should aim for in the judiciary. As you so aptly said, the judiciary is the backbone of our way of life. I am proud that we have such men that have courage and not fear to carry out our system of government. I would like to say a few words about your speech Mr. Chief Justice. You said that you didn't have any copy or much to say. That reminds me of when I started to practice law, went back to Dallas, got into Justice Court, judges of both the law and fact, with six jurors. When I first appeared in the Justice Court some of the older lawyers in the firm guided me along and when I got into the District Court I learned the firm had drawn up a jury speech based on the amount of the fee. For a fee of \$500 they had a speech that would cover the history of the United States. For \$1000 you would go back

and touch on English history a little. For \$2500 you might go into a little Roman history. A \$5,000 fee seldom came in. If it did you would touch on some Greek history. About 4 or 5 years later, I was in another firm and the senior member of the first firm was on the opposite side in a case in the District Court and in his argument he got up and made a very fine speech. My partner thought he made a fine speech and that we didn't have a chance with that jury. He had gone back into biblical times, Greek and Roman history. I said, my good friend taught me how to handle the jury. I told them about those speeches and said, I can tell you how much fee he got in this case today. They may have added a little to them. I had been away 3 or 4 years by then. So Mr. Chief Justice that was a very fine speech and reminded me of my service in his firm. Your speech was at least a \$10,000 one. I feel ill at ease in this company. I am used to being down there. They told me to talk five minutes, which shows the difference between the Chief Justice and the Attorney General.

I would like to compliment the statistics of accomplishments throughout the United States. This District disposed of more cases than any other district. On the criminal side over 1500. Over 10 cases a day. Many civil cases don't take very long to try. I think those statistics show the effectiveness of your present system of the district court. I would like to compliment the members of that court and particularly the Chief Justice for the system they use in the assignment of cases and keeping the dockets up. Right now they are current. I was interested in your statement that there is not a case held on the docket over 60 days. They certainly have dispatched the business of the court with that degree of efficiency we

like to see and at the same time in a way justice would do. Only last Monday three cases in the Supreme Court came out of the District of Columbia. I doubt if there is a district in the United States that has a higher percentage of affirmances. Three justices devote all their time to criminal cases here. Shows the importance of the criminal side. In addition, on the civil side the most important cases that come up in the United States start right here. I see one judge over there that started a case and settled a very important law, the Lewis case. I think he has had him over there again. The covenant case was one of the most far-reaching decisions that has been rendered in the Supreme Court and in our history. I point out these things to show the importance of this district and this bench, this court, the court of appeals, and the important cases that come up. We in the government are very proud of this bench because we have many many important matters that come here and we have only the same purpose, the same end result that you have, that is that justice be done and maintained. The courts and the Department of Justice have the same views. It matters not to me what the ultimate decision of a case is, but that justice might be done. In my office many of you have been through there. You remember the words engraved around the wall, "Justice is done when the Court finally passes on the matter." All we want to do is to see that justice is done. If there is anything we could do to assist the courts in expediting matters as the Chief Justice pointed out in helping with books or anything like that we would be glad to do it. I am proud of the close relationship that has existed not only between this Conference but between judicial conferences in various other circuits of the United States. It is good to be here. It is always good to meet my fellow lawyers in this district. It buoys me up as it buoys

up every lawyer to shake your hands and informally discuss the problems of which we have so many today. I know that so long as we have a judiciary system as we have throughout the United States today, we have no fear of time because that judiciary will steer us along the course and will carry forward the great principles of which our government and our life stands. And bless your hearts, and thank you.

This Conference is only for the 17th. They are having
a closed session on the 18th, but the actual Conference
is just for the one day.

Expect to be
there

Invitations Accepted

UNITED STATES COURT OF APPEALS

WASHINGTON 1, D. C.

WILBUR K. MILLER
ASSOCIATE JUSTICE

5 May 17, 1948

RECEIVED

MAY 18 9 42 AM '48

CHAMBERS OF THE
CHIEF JUSTICE

Dear Mr. Chief Justice:

On behalf of the Committee on Arrangements I extend to you an invitation to be present at our Judicial Conference which will be held in the United States Court of Appeals court room at 10:00 o'clock Thursday morning, June 17.

The Conference will be happy to have you attend whenever you can. We very much hope that it will be possible for you to honor us with your presence.

Cordially yours,

Wilbur K. Miller

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington, D. C.

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

SUPREME COURT BUILDING
WASHINGTON 13, D. C.

HENRY P. CHANDLER
DIRECTOR

ELMORE WHITEHURST
ASSISTANT DIRECTOR

June 16, 1948

WILL SHAFROTH
CHIEF OF THE DIVISION OF
PROCEDURAL STUDIES AND STATISTICS

File

Dear Mr. Chief Justice:

I have prepared a statement as to the business of the district court and the court of appeals of the District in connection with the meeting of the judges on Friday. I thought you might like to have it for your files.

Yours sincerely,

Will Shafroth
Will Shafroth

Honorable Fred M. Vinson
Chief Justice
Supreme Court of the United States
Washington, D. C.

State of the Judicial Business in the District of Columbia

The District Court

Civil Cases

The total number of civil cases filed in the United States District Court for the District of Columbia after a slight decrease during the first two years of the war and an increase during the fiscal years 1944 and 1945 reached a considerably higher level during 1946 which has been approximately maintained since that time. The figures on civil cases commenced are as follows:

	1941	1942	1943	1944	1945	1946	1947	1948 (estimated)
	6,490	6,288	6,076	6,798	6,868	8,323	8,124	7,900

The fluctuations in the total have been largely due to divorce and insanity cases. The number of cases begun in these categories has been as follows:

	1941	1942	1943	1944	1945	1946	1947	1948 (estimated)
Divorce	2,362	2,128	2,519	2,932	2,929	4,161	3,144	2,700
Insanity	1,279	1,431	1,641	1,553	1,616	1,696	2,122	2,250

Only about one in four of the divorce cases are contested, according to the assignment commissioners and the insanity cases usually are referred to the Mental Health Commission and seldom involve a trial. If these two classes of cases be subtracted from the totals we have the following:

	1941	1942	1943	1944	1945	1946	1947	1948 (estimated)
Civil								
All cases	6,490	6,288	6,076	6,798	6,868	8,323	8,124	7,900
Divorce & Insanity	3,641	3,559	4,160	4,485	4,545	5,857	5,266	4,950
Remainder	2,849	2,729	1,916	2,313	2,323	2,466	2,858	2,950

It thus appears that fluctuations in civil cases other than divorce and insanity have not been as large as for all civil cases,

although the increase since the end of the war has amounted to more than 25 per cent. This increase has been mainly in private cases, which in general take much more of the time of the court in proportion to their numbers than do government cases. The increase in this type of case has been relatively much smaller than in the 84 district courts in the 48 states, where the number of private cases has almost doubled since the war. The fluctuation in the number of private cases filed in the 84 districts has been as follows:

1941	1942	1943	1944	1945	1946	1947	1948 (estimated)
14,365	13,630	10,261	9,893	10,057	12,581	19,650	20,500

The contested civil cases disposed of in the district, i.e. all those which have been calendared except non-contested divorce cases as reported by the Assignment Commissioner have run as follows:

	1940	1941	1942	1943	1944	1945	1946	1947	1948 (estimated)
Jury	882	866	861	791	479	496	452	631	750
Non-jury	<u>1,355</u>	<u>1,051</u>	<u>1,058</u>	<u>1,163</u>	<u>1,349</u>	<u>821</u>	<u>1,091</u>	<u>1,229</u>	<u>1,000</u>
Total	2,237	1,917	1,919	1,954	1,828	1,317	1,543	1,860	1,750

The pending caseload at the end of the year has shown a steady increase since 1943 and as of May 31, stood at 6,236, not far from twice as many as on June 30, 1943. The variation in the pending caseload at the end of the fiscal year has been as follows:

1940	1941	1942	1943	1944	1945	1946	1947	1948 (June 1)
4,679	4,265	3,919	3,244	3,988	4,315	5,707	5,885	6,236

The breakdown of the pending caseload at the end of the third quarter of the current fiscal year, March 31, 1948 will give a fairly accurate idea of its present composition:

Civil Cases pending in the District of Columbia
by nature of suit as of March 31st, 1948

Total Cases	6,334
United States Cases	507
Private Cases	5,827
U. S. Plaintiff	125
Land condemnation	11
OPA	40
FLSA	2
Other enforcement	9
Food and Drug Act	9
Negotiable instruments	24
Other contracts	17
Other U. S. Pltf.	13
U. S. Defendant	382
Tort Claims Act	18
Habeas Corpus	11
Tax Suits	5
Pat. cases Sec. 4915	95
Renegotiation	35
Enjoining Federal Agencies	100
War Risk Insurance	55
National Life Insurance	20
Other	43
Federal Question	27
Copyright	2
FLSA	1
Miller Act	3
Patent	6
Other Federal Question	15
Admiralty	1
General Local Jurisdiction	5,799
Contract actions	430
Real property actions	377
Personal Injury - M. V.	652
Other torts	568
Divorce & Maintenance	3,336
Insanity	165
Probate	18
Adoption & Guardianship	134
Actions by or against Local Official	47
All Other	72

Invitations Accepted

Bar Association of the District of Columbia
Washington, D. C.

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JUN 16 9 21 AM '48

CHAMBERS OF THE
CHIEF JUSTICE

JUDICIAL CONFERENCE

Thursday
June 17

The Judicial Conference for the District of Columbia will hold an all-day session in the court room of the United States Court of Appeals next Thursday, June 17th, beginning at 10 o'clock.

The Chief Justice of the United States, the Attorney General, and the Chief Justice of the Court of Appeals will address the meeting. The conference will then proceed to a discussion and expression of opinion upon five proposals relating to procedure in the courts, which have been suggested by the several bar associations for the joint consideration of practicing lawyers and the judges of the several courts.

The discussion of each proposal will be initiated by two speakers designated in advance and will be continued by the delegates and judges. At the conclusion of each discussion, a vote of the conference will be taken upon the proposal.

The conference proper will be composed of the judges and a limited number of delegates designated by the several bar associations, who have agreed to devote the entire day to the conference and to be prepared to discuss and to vote upon the several proposals to be considered.

In addition to the participating delegates, a number of guests have been invited to attend the session.

ALL MEMBERS OF THE BAR ARE INVITED

TO ATTEND THE CONFERENCE.

If time permits after the conclusion of each discussion by the delegates, other lawyers in attendance will have opportunity to express their views.

This conference is of great importance to the bar, as it affords an opportunity for lawyers to discuss with the judges of our courts, in free and open conference, proposals for the improvement of the administration of justice in this jurisdiction. The delegates who will vote upon the proposals under consideration, will be greatly aided by the presence and advice of interested members of the bar.

KENNETH N. PARKINSON,
Secretary.

It will be observed that over one-half of all pending civil cases are divorce and maintenance cases (3,336 out of 6,334). The tort cases probably constitute a greater burden on the court. As of March 31, there were 1,220 of them between private persons pending and 18 under the Tort Claims Act. Many of these have to be tried. Contract and real property cases also account for a substantial part of the court's business. Since the war, tort, contract, and real property actions have all shown a decided increase in the number of cases filed annually.

The time required for reaching a case from the time it was calendar as estimated by the assignment commissioner was greatly reduced during the war but has been climbing again since its end. Here are the figures:

Months required from calendaring to trial.

	Jury cases	Non-jury cases
Oct. 1939	24	23
June 30, 1940	15	8
" 1941	12	11
" 1942	8	8
" 1943	5	5
" 1944	4	4
" 1945	3	5
" 1946	4	6
" 1947	6	9
May 31, 1948	7	13

This compares with a median period from issue to trial in the 84 districts for the fiscal year 1947 of 5.9 months in jury cases and 4.8 months in non-jury cases. But because of the different character of the business in the District of Columbia, comparisons with other federal courts must be made very cautiously. For example, the number of trials per judge in the 84 districts in 1947 was 28 civil and 13 criminal, compared with 36 civil and 32 criminal in the district.

Criminal Cases

While the civil business of this court is different from that of most district courts, it is in the criminal cases where the major difference lies. A study by the Statistics Committee of the Judicial Conference of time sheets kept by 11 judges in as many districts for a recent period of 4 months showed that only 15 per cent of the time of those judges in court and in chambers was devoted to criminal cases. But in the District of Columbia, three judges or 25 per cent of the manpower of the court are constantly working on criminal cases and additional judges sometimes are used.

During the current year, it is estimated that over half the time of a fourth judge has been used and at times more than four judges have been trying criminal cases. Furthermore many of these criminal cases are of the greatest importance - not only cases involving the most serious offenses but also those of tremendous public interest. During the past winter, there were days when three separate cases in this court appeared simultaneously on the front pages of the local newspapers. The strain on the judge of such trials cannot be ignored even though it does not appear in figures on the caseload.

The number of criminal cases filed in the district court decreased during the war, contrary to the experience in most districts, and after an increase in 1946 and 1947 will this year be lower than in any recent year as shown by the following statement giving the number of criminal cases filed per year:

1940	1941	1942	1943	1944	1945	1946	1947	1948 (estimated)
1,870	2,012	2,051	2,126	1,731	1,469	1,739	1,755	1,450

As of May 31, there were 192 cases pending on the criminal calendar. The number of criminal cases reported by the assignment

commissioner as "available for trial" on that date was 141, not including some 300 cases involving fugitive defendants, defendants in the armed forces and insane defendants.

Three hundred and sixty-five criminal cases have been disposed of by jury trial during the first eleven months of the current fiscal year. Court trials of criminal cases are comparatively rare in this district, 14 in 1947 out of a total of 384, compared with a 40 per cent ratio of court trials to all criminal trials in other districts.

Since the court took over the handling of the criminal calendar about three years ago, notable progress has been made in the disposition of criminal cases. As of October 1, 1945, there were 142 triable cases on the criminal calendar from 6 to 12 months old, not including cases involving defendants who were fugitives, insane or unavailable because in the armed forces.

Of the cases on the criminal calendar on May 31, 1948, 33 were over six months old and only 3 of these were available for trial. There were 68 defendants in a total of 71 cases in jail May 31 awaiting trial, 40 of these having been indicted during May.

On March 31 the total number of defendants in pending criminal cases was 609. Two hundred and ninety six of these were fugitives, in the armed forces or insane, leaving a total of 313 undisposed of. The offenses with which these defendants were charged are as follows:

Total	313
Federal Offenses:	
Nat'l Motor Vehicle Theft Act	1
Fraud and other theft	31
Narcotics	7
Liquor, Internal Revenue	6
Antitrust violations	11
Impersonation federal officer	1

War Offenses:

Selective Service	1
Other war	2
All other federal offenses	16

Local Offenses:

Murder	14
Manslaughter	2
Robbery	47
Assault	16
Burglary	42
Unauthorized use of vehicles	25
Embezzlement	12
Forgery	5
Grand larceny	29
Receiving stolen property	3
Rape	20
Other sex	1
Abortion	2
Gambling	11
Nonsupport	2
All other local	6

Of 45 criminal cases tried by juries in April of this year, one half were tried less than two months after the indictment had been found. Cases disposed of without trial are closed in half that time or less, in the majority of instances.

On October 31, 1945, the earliest report on criminal cases from the assignment commissioner which I have in my file, there were 425 cases on the criminal calendar, 326 of which were available for trial. By May 31, 1946, the number of cases available for trial had been reduced to 195. In another year the reduction was down to 141 and although the number of available cases rose to 258 at the end of the summer vacation last year, that is as of September 30, 1947, it was back to 141 as of May 31. When it is observed that 149 criminal cases were disposed of during the month of May, it is obvious from these figures that the criminal calendar is in excellent condition.

Cases Under Advisement

As of March 31, there were no cases in this court which had been held under advisement more than 60 days. There was no other circuit with an equal record.

Visiting Judges

During the current fiscal year, there have been three visiting judges sitting in the district for a total of 66 days. Their time has been about equally divided between civil and criminal cases.

The Court of Appeals

The number of cases filed in the United States Court of Appeals for the District of Columbia has fluctuated considerably during the last ten years as is shown by the following figures:

1939	1940	1941	1942	1943	1944	1945	1946	1947	1948 (estimated)
344	384	271	345	270	280	282	291	264	350

As a result of the decided increase in cases this year, the pending case load has increased also. The number of cases pending at the end of each fiscal year since 1941 has been as follows:

1941	1942	1943	1944	1945	1946	1947	1948 (May 31)
170	210	182	160	147	184	164	267

The number of cases disposed of after hearing or submission has been as follows:

1940	1941	1942	1943	1944	1945	1946	1947	1948 (thru May 31)
186	187	186	183	196	171	144	182	121

The estimate for the fiscal year 1948 through June 30th is 138.

The increase in cases filed this year has occurred in administrative agency cases as well as in civil cases from the United States district courts. In the latter class there has been an increase in both United States cases and private cases. In the private cases the increase in contract real property and tort cases has been substantial, reflecting a similar increase in the district court.

The median time from docketing to disposition in the Court of Appeals has come down considerably from the time when the figures were first compiled in 1942, although it is still perceptibly longer than the median for all circuits in each year. The figures are as follows:

Median Time Interval From Docketing to Disposition, D. C. Court of Appeals for Cases Heard or Submitted

	Cases		Interval (months)	
	All circuits	D. C.	All circuits	D. C.
1942	2076	177	7.7	11.8
1943	2226	183	6.5	10.8
1944	2148	196	6.5	10.0
1945	1992	171	7.0	8.1
1946	1805	144	6.8	8.5
1947	1887	182	6.9	8.3

The breakdown for the United States Circuit Court of Appeals for the District of Columbia and for all circuits into cases from administrative agencies, and civil and criminal cases terminated in the fiscal year 1947 after hearing or submission was as follows:

From docketing to final disposition									
	Total		Administrative		Civil		Criminal		
	Interval	Cases (months)	Interval	Cases (months)	Interval	Cases (months)	Interval	Cases (months)	
All Circuits and D. C.	1,887	6.9	281	8.0	1,180	6.7	279	7.6	
D. C.	182	8.3	16	6.9	123	8.3	39	8.4	

This shows that the administrative agency cases in the district were more quickly disposed of than in all circuit courts of appeals, while both civil and criminal appeals took somewhat longer in the District.

Time interval tables for the various circuit courts of appeals are found in table B4 of the Annual Report of the Administrative Office. The breakdown of 1947 figures between administrative, civil and criminal cases under the various headings shown in table B4 for all circuit courts of appeals and for the District of Columbia is given in a table which is attached as an appendix to this statement.

The difficult and important character of some of the litigation coming before this court is an intangible factor which cannot well be portrayed by figures. There is no doubt however that it must be taken into account in making comparison with other circuits or with the general caseload of the country. The following figures show the caseload per judge by circuits for each year since 1941 and for the first three quarters for the fiscal year 1948:

CASELOAD PER CIRCUIT JUDGE FOR CASES FILED DURING THE FISCAL
YEARS 1941 to 1947 AND THE FIRST THREE QUARTERS OF 1948 BY
CIRCUIT

	<u>1941</u>	<u>1942</u>	<u>1943</u>	<u>1944</u>	<u>1945</u>	<u>1946</u>	<u>1947</u>	<u>1948*</u>	<u>Number of Judges per Circuit</u>
TOTAL ALL CIRCUITS	56	57	54	53	46	45	44	34	59
D. C.	45	58	45	47	47	49	46	41	6
First	29	33	40	35	28	25	33	21	3
Second	89	84	83	99	78	71	63	52	6
Third	57	58	71	55	50	33	44	35	6**
Fourth	53	46	52	49	41	36	43	39	3
Fifth	81	77	69	59	55	50	54	47	6**
Sixth	54	47	46	41	34	39	35	28	6
Seventh	68	65	57	56	48	52	56	34	5
Eighth	47	40	44	36	30	39	28	17	7
Ninth	42	48	42	49	38	41	45	30	7
Tenth	47	62	47	48	40	45	40	35	4

*First three quarters.

**Prior to 1945 the Third Circuit had only five judges; prior to 1944 the
Fifth Circuit had only five judges.

As of May 31, there were 55 cases ready for argument before the Court of Appeals and 51 cases which had been argued but not decided. A total of 113 opinions of the court had been written since last June and 17 more were filed during the first two weeks of this month.

Respectfully submitted,

Will Shafroth

Chief of the Division of Procedural Studies
and Statistics

June 15, 1948

APPENDIX

Median time intervals in cases terminated after hearing or submission, in the United States Court of Appeals for the District of Columbia and the United States circuit courts of appeals during the fiscal year ending June 30, 1947.

	From docketing to final disposition							
	Total		Administrative		Civil		Criminal	
	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)
Total (all circuits and D.C.)	1,887	6.9	281	8.0	1,180	6.7	279	7.6
District of Columbia	182	8.3	16	6.9	123	8.3	39	8.4

	From docketing to filing last brief							
	Total		Administrative		Civil		Criminal	
	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)
Total (all circuits and D.C.)	1,871	3.9	278	4.7	1,173	3.6	276	5.1
District of Columbia	180	3.9	15	2.4	122	3.6	39	5.1

	From filing last brief to hearing or submission							
	Total		Administrative		Civil		Criminal	
	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)
Total (all circuits and D.C.)	1,873	0.5	278	0.7	1,172	0.5	278	0.4
District of Columbia	180	1.1	15	1.7	122	1.4	39	0.3

	From hearing or submission to decision or final order							
	Total		Administrative		Civil		Criminal	
	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)
Total (all circuits and D.C.)	1,887	1.5	280	1.6	1,180	1.5	279	1.3
District of Columbia	182	2.0	16	2.0	123	2.0	39	2.2

	From filing notice of appeal in lower court to docketing in appellate court ¹							
	Total		Administrative		Civil		Criminal	
	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)
Total (all circuits and D.C.)	1,783	1.3	218	1.7	1,168	1.4	260	0.2
District of Columbia	158	1.2	-	-	119	1.3	39	-

From judgment in lower court to decision in appellate court								
	<u>Total</u>		<u>Administrative</u>		<u>Civil</u>		<u>Criminal</u>	
	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)

Total (all circuits and D.C.)	1,189	11.1	-	-	951	11.4	238	9.6
District of Columbia	141	11.7	-	-	106	12.2	35	9.0

From docketing in lower court to decision in appellate court								
	<u>Total</u>		<u>Administrative</u>		<u>Civil</u>		<u>Criminal</u>	
	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)

Total (all circuits and D.C.)	1,401	21.1	-	-	1,142	22.9	257	15.9
District of Columbia	159	20.3	-	-	121	23.2	38	14.4

Petitions for rehearing, time from filing to disposition of petition

	<u>Total</u>		<u>Administrative</u>		<u>Civil</u>		<u>Criminal</u>	
	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)	Cases	Interval (months)

Total (all circuits and D.C.)	473	0.4	52	0.5	293	0.4	83	0.4
	40	0.4	4	0.4	25	0.4	18	0.4

1. Includes all appeals from district courts and cases from the Tax Court of the United States.

PROGRAM

File

JUDICIAL CIRCUIT CONFERENCE
DISTRICT OF COLUMBIA CIRCUIT - 1948

Thursday, June 17, 1948

10:00 a.m. Honorable Harold M. Stephens, Chief Justice of the United States
Court of Appeals, Presiding.

Roll Call

Remarks by Chief Justice Stephens

Remarks by Honorable Fred M. Vinson, Chief Justice of the
United States

Remarks by Honorable Tom C. Clark, Attorney General of the
United States.

Discussion of Topics

Walter M. Bastian, Esquire, Presiding

Topic 1. That whenever in a case under R. S. Sec. 4915 the trial
court so requests, the Commissioner of Patents shall
furnish from his own staff, or by special employment,
or otherwise, experts qualified to testify concerning
scientific facts, who may be examined by the court or
by the parties.

Discussion Leaders:	Jennings Bailey, Jr.	- 10 min.
	E. L. Reynolds	- 10 min.
	discussion	- 15 min.
	vote	- 5 min.

Topic 2. That Rule 49 of the Rules of Civil Procedure be amended
so as to provide that the court in jury cases shall
require a special verdict or answers to interrogatories
whenever such verdict or answers be demanded by either
party.

Discussion Leaders:	James E. Palmer, Jr.	- 10 min.
	Austin Canfield	- 10 min.
	discussion	- 15 min.
	vote	- 5 min.

Topic 3. That a statute similar in effect to the Federal Tort Claims Act be made applicable to claims against the District of Columbia. 28 U.S.C.A. Sec. 921.

Discussion Leaders: Richard R. Atkinson - 10 min.
Vernon E. West - 10 min.
discussion - 15 min.
vote - 5 min.

12:30 p.m. Recess.

1:30 p.m.

Discussion of Topics

Honorable Justin Miller, Presiding

Topic 4. (a) That the statute governing mechanics' liens should be amended so as to provide that such liens for amounts of \$3,000 or less be filed in the office of the clerk of the Municipal Court. D. C. Code Sec. 38-102 (1940)

(b) That judgments of the Municipal Court shall be liens on real estate of the judgment debtor in the District of Columbia without docketing in the office of the clerk of the District Court. D. C. Code Sec. 11-718 (1940)

Discussion Leaders: Jacob N. Halper - 10 min.
Harry J. Kane, Jr. - 10 min.
discussion - 15 min.
vote - 5 min.

Topic 5. That it is the view of this Conference that the appellate courts should render written opinions (meaning a discussion and disposition of points presented) (a) in every case, (b) on every point presented in every case, or (c) only when, in the judgment of the court, the case presents a point or points of general importance.

Discussion Leaders:

On phases (a) and (b): David G. Bress - 10 min.
On phase (c) : Spencer Gordon - 10 min.
discussion - 15 min.
vote - 5 min.

Reports by courts and bar associations as to topics which were referred to them by the 1947 Conference (topics listed on page 4).

- (a) Report by Chief Justice Stephens on behalf of Court of Appeals as to:

Topic 1

- (b) Report by Judge Pine on behalf of District Court as to:

Topic 5

- (c) Report by bar associations as to:

Topic 3

Topic 4

Topic 6

Topic 8

On behalf of Bar Association of the

District of Columbia Victor Mersch, Esq.

" " " Washington Bar Association . . . Maurice R. Weeks, Esq.

" " " Women's Bar Association. Mrs. June L. Green

" " " Federal Bar Association. Bettin Stallings, Esq.

4:00 p.m. Adjourn

MEMORANDUM

At an executive session of the Judicial Conference for the District of Columbia circuit on June 17, 1947, the following action was taken on the topics discussed at the open session of the Conference held on June 6, 1947:

Topic 1^a was referred to the attention of the Court of Appeals.

Topics 2 and 5^b were called to the attention of the District Court.

Topics 3 and 8^c were referred to the several Bar Associations of the District of Columbia, with the recommendation that preparation of legislation be considered by them so that the subject matter of these topics may be more specific for further consideration.

With respect to Topic 4^d the Conference decided that the subject of disbarment of lawyer-practitioners before administrative agencies should be called to the attention of the several Bar Associations represented at the Conference and also to the attention of the Chairman of the Section on Administrative Law of the American Bar Association, with a recommendation that the preparation of legislation be considered by them so that the subject matter of these topics may be more specific for further consideration.

Topic 6^e was referred to the several Bar Associations represented at the Conference and the Committee for the Improvement of the Administration of Justice in the District of Columbia of the American Bar Association and to the District Court with a recommendation that a committee of that Court be appointed to consider the subject.

In respect to Topic 7^f the Conference decided that no further action should be taken by it, since proposed legislation on the subject is pending before Congress and the views of the several Bar Associations in respect to it have been, or could be, presented to the Congressional Committees.

JOSEPH W. STEWART,
Secretary of the Judicial
Circuit Conference.

^aTopic 1: The Court of Appeals should adopt a rule which would require an agreed statement of the question or questions presented by the appeal, or a definite statement of the difference between the parties as to the question or questions presented.

^bTopic 2: The present preliminary procedure in domestic relations cases should be abolished.

Topic 5: A new method of assigning criminal cases for trial should be established.

^cTopic 3: Administration of decedents' estates of \$500 or less in value should be eliminated, and the time for administration of all decedents' estates should be six months.

Topic 8: Additional provision should be made by legislation for service of process upon non-resident property owners in personal injury cases.

^dTopic 4: Disbarment of lawyer-practitioners before administrative agencies should be by court action.

^eTopic 6: Suggestions for improvements in procedure and facilities for the benefit of witnesses.

^fTopic 7: Should the death by wrongful act statute be amended and, if so, to what extent?

PROGRAM

File

JUDICIAL CONFERENCE

for the District of Columbia Circuit - 1949.

Friday, June 3, 1949

EXECUTIVE SESSION

2.00 P. M. Honorable Harold M. Stephens, Chief Judge of the United States Court of Appeals, Presiding,

1. Circuit Judge Henry W. Edgerton

Report of Committee on Delays in Civil and Criminal Cases,

2. Discussion of conflict of jurisdiction between District Court and Municipal Court as presented in the attached memorandum,

3. Discussion of:

Bills to prohibit picketing of courts.
Sound recording bill,
Administrative court bill,
Judges' salary bill.
Bill for additional judges,

4. Report on repeal of obsolete sections of D. C. Code and sections inconsistent with Title 28, U. S. Code; repeal of provision permitting allowance of special appeals from District Court.

5. Progress reports by Chief Judge Stephens and Chief Judge Laws on new courthouse.

6. Consideration of the suggestion to have more than one conference during the year, and of the suggestion that the judges have an informal luncheon in November.

4.30 P. M. Adjourn.

MEMORANDUM

If "A" brings a suit against "B" in the Municipal Court, and "B" counterclaims for an amount in excess of the Municipal Court's jurisdiction, the counterclaim will be dismissed in such court. (Sections 11-755, 756, D. C. Code 1940; Kaplowitz Bros. v. Kahan, 59 A. 2d 795; Hillyard v. Klein, M. C. A. #769, March 18, 1949)

If thereupon "B" brings his action in this court, the action pending in the Municipal Court may not be made a compulsory counterclaim under Rule 13(a) of the Rules of Civil Procedure as amended.

The cases therefore have to be tried in two courts, and if the Municipal Court case should be tried first, and the matter in defense is the same as the claim in the District Court, the Municipal Court decision may be res judicata. See Geracy v. Hoover, 77 U. S. App. D. C. 55.

The same situation will be true if the District Court case is tried first in respect of the Municipal Court case.

It appears that the matter can be cured only by legislation, and this may be spearheaded by a Judicial Conference discussion.

UNITED STATES COURT OF APPEALS

WASHINGTON 1, D. C.

WILBUR K. MILLER

CIRCUIT JUDGE

May 18, 1949

RECEIVED
MAY 19 10 17 AM '49
CHAMBERS OF THE
CHIEF JUSTICE

My dear Mr. Chief Justice:

On behalf of the Committee on Arrangements I cordially invite you to be present at the Judicial Conference for this Circuit, which will be held on Friday, June 3, at 10:00 o'clock in the Court of Appeals building. We all hope that your engagements will permit you to be present some time during the morning and long enough for you to make a few remarks.

The executive session will be held during the afternoon of that day and we should be equally happy to have you with us then, if that is possible.

With high regard, I am

Sincerely yours,

Wilbur K. Miller

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington 13, D. C.

PROGRAM

JUDICIAL CONFERENCE

for the District of Columbia Circuit - 1949

Friday, June 3, 1949

10:00 a.m. Honorable Harold M. Stephens, Chief Judge of the
United States Court of Appeals, presiding.

Roll Call

Remarks by Chief Judge Stephens

Remarks by Honorable Fred M. Vinson, Chief Justice
of the United States

Remarks by Honorable Tom C. Clark, Attorney General
of the United States

- - - - -

Circuit Judge Wilbur K. Miller, presiding

Edward Bennett Williams, representing the Bar Association
of the District of Columbia:

"Problems under the New Wrongful Death and
Survival Statutes"

Mrs Irene Kennedy, representing the Women's Bar Association:

"Uniform Simultaneous Death Act"

Barrington D. Parker, Esq., representing the Washington
Bar Association:

"The Integrated Bar Association" and
"The Committee on Admissions and Grievances"

Bettin Stalling, representing the Federal Bar Association:

"Should Hearings of Appeals be Permitted
on Original Papers as Provided by Rule 75(o)
of the Federal Rules of Civil Procedure?"

12:30 p.m. Recess

2:00 p.m. Meeting of the Circuit Judges and District Judges, in
executive session.

HAROLD M. STEPHENS
CHIEF JUSTICE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
ASSOCIATE JUSTICES

RETIRED
D. LAWRENCE GRONER
CHIEF JUSTICE

UNITED STATES COURT OF APPEALS
WASHINGTON 1, D. C.

June 22, 1949

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CHAMBERS OF THE
CHIEF JUSTICE

File

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington 13, D. C.

My dear Mr. Chief Justice:

At the Judicial Circuit Conference for the District of Columbia Circuit held on June 3, 1949, consideration was given to H. R. 3438 and H. R. 3766, 81st Congress, 1st Session, bills introduced by Congressman Boggs to prohibit picketing of courts.

By a vote of 7 to 6 the Conference approved the enactment of H. R. 3766, with the following amendments:

In line 6 of the bill, delete the words "or parading";

Beginning in line 9, after the word "officer" strike the following language: "with the intent of interfering with, obstructing or impeding the administration of justice, or with the intent of influencing such judge, juror, witness, or court officer;

On page 2, line 2, strike the words "or parading";

so that Section 1507 contained in the bill, as thus amended, would read as follows:

"Sec. 1507. The picketing in or near a building housing a court of the United States, or in or near a building or residence occupied or used by a judge, juror, witness, or court officer is hereby declared an offense and any such person or persons so picketing shall be fined not more than \$5,000 or imprisoned, or both."

Sincerely yours,

Harold M. Stephens

HAROLD M. STEPHENS
Chief Judge of the District of Columbia Circuit.

HAROLD M. STEPHENS
CHIEF JUSTICE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
ASSOCIATE JUSTICES

RETIRED
D. LAWRENCE GRONER
CHIEF JUSTICE

UNITED STATES COURT OF APPEALS

WASHINGTON 1, D. C.

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CHAMBERS OF THE
CHIEF JUSTICE

June 22, 1949

File

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington 13, D. C.

My dear Mr. Chief Justice:

At the adjourned meeting of the Judicial Conference for the District of Columbia Circuit, held on June 10, 1949, consideration was given to the majority and minority reports of the "Committee on the Statutory Definition of Felony" of the Judicial Conference of the United States, which reports were submitted to the Judicial Conference of the United States in September 1948.

The Conference unanimously adopted a motion that the Conference approve the majority report of the "Committee on the Statutory Definition of Felony."

Sincerely yours,

Harold M. Stephens

HAROLD M. STEPHENS
Chief Judge of the District of Columbia Circuit

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
CIRCUIT JUDGES

D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

file
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September 22, 1949.

SEP 27 9 07 AM '49
CHAMBERS OF THE
CHIEF JUSTICE

The Honorable Fred M. Vinson
Chief Justice of the United States
Washington, D. C.

My dear Mr. Chief Justice:

I enclose a copy of the revised report of the Committee of the Judicial Conference for the District of Columbia Circuit, on the matter of delays after judgment in criminal cases and on the matter of temporary stays in civil cases.

The first four topics of the report were discussed at the morning session of the Conference last June, which you attended. The suggestions which you made with respect to the report were most helpful and, as you know, were approved by the Conference.

The recommendations of the Committee with reference to amending the rules of this court were put into effect on June 29, 1949, by amendments to Rule 18(a) and Rule 33 of the General Rules of this court, copies of which are enclosed. I call your particular attention to paragraphs (c), (d), (e) and (f) of Rule 33, as amended.

With kind regards, I am

Sincerely yours,

Harold M. Stephens

June 3, 1949

DELAYS AFTER JUDGMENT IN CRIMINAL CASES

TEMPORARY STAYS IN CIVIL CASES

Report of a Committee of the Judicial Conference
of the District of Columbia Circuit, as revised
and approved by the Conference June 3, 1949.

At the meeting of the Judicial Conference of the District of Columbia Circuit on June 18, 1948, a committee was appointed to study "(1) the delay between the date of judgment of the District Court and the hearing of the appeal in the Court of Appeals in civil and criminal cases, and particularly the delay between the entry of judgment in the District Court in first degree cases and the final execution of the sentence, and (2) the matter of the allowance of temporary stays by the District judges pending application to the Court of Appeals for stay pending appeal." The Committee is not ready to report on delay in civil cases.

The United States Attorney, Mr. Fay; the Pardon Attorney, Mr. Lyons; and the Chief of the Division of Procedural Studies and Statistics in the Administrative Office of the United States Courts, Mr. Shafroth, attended one or more meetings of the Committee. It is indebted to them and to Mr. Stewart, the Clerk of the Court of Appeals, for helpful suggestions.

I. DELAYS IN CAPITAL AND OTHER CRIMINAL CASES.

Mr. Shafroth prepared a valuable statistical analysis of 39 cases of murder or rape commenced in the District of Columbia between January 1, 1930 and March 30, 1948, in which a sentence of death was imposed.¹ In the 23 cases in which death sentences were carried out, the median time between indictment and execution was 21.1 months; between noting appeal and execution, 15.1 months. The Committee believes time can be saved at several stages and the over-all delay much reduced.

1. From conviction to noting appeal.

Rule 37(a)(2), Fed. R. Crim. P., provides that "An appeal by a defendant may be taken within 10 days after entry of the judgment or order appealed from, but if a motion for a new trial or in arrest of judgment has been made within the 10-day period an appeal from a judgment of conviction may be taken within 10 days after entry of the order denying the motion.

. . . " In capital cases the actual median time from judgment (sentence) to noting appeal is only about 3 days.

2. From noting appeal to filing record in the Court of Appeals.

"Promptly after an appeal . . . is taken" the rules require the appellant to file with the District Court a designation of the contents of the record on appeal unless the appellee has already done so. Rule 75(a), Fed. R. Civ. P.; Rule 39(b)(1), Fed. R. Crim. P. Unless he proceeds on a narrative statement of the testimony, Rule 75(c), Fed. R. Civ. P., the appel-

1. One case in which no appeal was taken and two cases in which the defendants died while appeals were in progress are excluded.

lant also files with his designation a copy of the reporter's transcript of the evidence or proceedings included in the designation. Rule 75(b), Fed. R. Civ. P. The clerk of the District Court transmits to the Court of Appeals a copy of the matter designated and includes certain essentials whether designated or not. This constitutes the record on appeal. Rule 75(g), Fed. R. Civ. P.

Rule 39(c), Fed. R. Crim. P., requires that the record on appeal be filed with the Court of Appeals and the case docketed there within 40 days after the notice of appeal is filed. However, this Rule permits either the District Court or the Court of Appeals to extend this time without limit "for cause shown." Counsel often fail to act "promptly" as the Rule requires in filing the designation of the record and even in applying to the reporter for his transcript of the evidence. Consequently the clerk of the District Court and the reporter are often unable to prepare their parts of the record within the prescribed 40 days, and the District Court frequently finds it necessary to grant extensions. The actual median time from the noting of appeal to the filing of the record, in capital cases, is 2.6 months.

We think the word "promptly," used in Rule 75(a), Fed. R. Civ. P., is too indefinite for criminal cases. We suggest that the rules of the Court of Appeals be amended to require application to the reporter within three days, and filing of the appellant's designation of the record accompanied by the transcript of proceedings within 20 days, after notice of appeal is filed, in all criminal cases, unless cause for extension of time is shown.

If the record is transcribed daily, as it commonly is in capital cases, there should be no difficulty in complying with such a rule.

We recommend that the judges of both courts decline to grant extensions of time for filing the record in criminal cases, unless exceptionally good cause is shown.

3. From filing record in the Court of Appeals to filing briefs.

Rule 18 of the Court of Appeals requires appellant's brief in criminal cases to be filed within 25 days after the record on appeal is filed, and appellee's brief within 25 days after appellant's brief. But because of extensions, the median time from the filing of the record to the filing of the last brief (which is sometimes a supplemental brief) in capital cases is actually 3-1/2 months.

Rules 17(c)(10), 17(e)(6), and 17(h) of the Court of Appeals require the parties to print as an appendix to their briefs such parts of the record as they desire the court to read. This is in addition to Rule 17(a) which requires the appellant to "print as a part of the appendix to his brief the pertinent pleadings and pertinent docket entries, the judgment or order appealed from or sought to be reviewed or enforced, together with any findings of fact, conclusions of law and opinion or charge . . ."

In capital cases the reporter's transcript of evidence is usually long. The parties designate most of it for inclusion in the record on appeal and desire the court to read most of it. Under present rules, this involves a printing job that often makes it necessary to grant extensions of time. Time will be saved if the Court of Appeals amends its rules to make inapplicable in capital cases, and in such other criminal cases as the court

on application, or on its own motion, may provide, the requirement that parties print the parts of the record they desire the court to read; to provide that in such cases the appeal be heard on the typewritten record, except for the requirement of Rule 17(a); and to require 3 clearly legible copies of the reporter's transcript of the proceedings and evidence, so far as this is included in the record on appeal, to be filed in the Court of Appeals when the record is filed.²

Rule 18(a) of the Court of Appeals contains the following qualification of the requirement that appellant's brief be filed in 25 days: "If the period for filing expires in July or August, appellant may have until September 1 to file his brief." If this "summer rule" is applied in criminal cases it causes delay by preventing the United States Attorney's office from making the most efficient use of summer months and requiring it to prepare an impossible number of briefs in the fall. We recommend that the quoted part of Rule 18(a) be amended by adding: "except in criminal and habeas corpus cases."

2. In nearly all capital cases since 1930 the appellant has been allowed to prosecute his appeal in forma pauperis. When a defendant submits a notice of appeal in a criminal case to the District Court, in order to be filed without prepayment of costs it must be accompanied by a poverty affidavit. The affidavit is submitted to the trial judge, who, unless he denies leave to appeal in forma pauperis, endorses on the form of affidavit his fiat allowing the defendant to proceed on appeal without prepayment of costs. The clerk of the District Court furnishes to counsel for the indigent appellant a certified copy of the order allowing appeal without prepayment of costs, and counsel hands this certified copy to the court reporter. It is sufficient authority for the court reporter to proceed to prepare the transcript of the proceedings at the expense of the United States. 28 U. S. C. §753(f) provides: "Fees for transcripts furnished in criminal or habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose . . ."

4. From filing briefs to hearing in the Court of Appeals.

The Court of Appeals gives high priority to the hearing of argument in criminal cases. During the entire 18-year period, the median time between the filing of the last brief and oral argument in capital appeals was 11 days. During 1948 the median time in other criminal appeals was only 10 days. Obviously not many days can be saved at this stage.

5. From hearing to decision by the Court of Appeals.

Even in capital cases some weeks usually elapse between argument and decision in the Court of Appeals. The mean interval in such cases, during the 18-year period, was about 1.8 months. It would seem that the court does not always give to the decision of capital cases the same priority it gives to hearing the argument. We recommend that each judge who sits in a capital case devote practically his entire working time to it until he has determined how he thinks it should be decided; that one judge continue to do so until he has written such opinion as the court thinks necessary; and that if a judge decides to write a dissenting opinion he write it while the opinion of the court is being written, subject of course to such amendment as that opinion may make necessary.

We recommend that a high priority be given to the decision of all argued criminal and habeas corpus cases, particularly when cases involving similar questions are known to be pending in the District Court.

We believe time might well be saved in appellate courts including our own by writing fewer exhaustive opinions. In the Court of Criminal Appeals in England, "appeals are decided on the day of argument in 99 per cent of

the cases. The reporter takes down the opinions and after some editing they appear in the law books as the opinions of the court." Orfield, Criminal Appeals in America, 136 (1939). In spite of popular complaint about delays, American public opinion would doubtless not acquiesce in this English practice; we have become too accustomed to a high degree of deliberation in criminal appeals. Yet our courts might well bear in mind what the English practice is and move a little toward it. If American "courts cannot be persuaded to decide the appeal at the hearings, considerable delay can still be avoided by writing no opinion or handing down memorandum opinions." Ibid.

6. From decision by Court of Appeals to execution of capital sentences.

The mean interval between affirmance of a capital sentence by the Court of Appeals and execution of the sentence is about 5-1/2 months. Petitions for rehearing, if any, in criminal cases in the Court of Appeals must be filed within 5 days (Rule 26) and are promptly disposed of. The delay is caused by petitions for certiorari and for executive clemency.

Petitions to the Supreme Court for certiorari are usually filed in capital cases. They are nearly always denied. In Griffin v. United States, 336 U. S. 704, the Supreme Court pointed out that "for a decade the Court has declined to review all convictions for first-degree murder in the District of Columbia, with a single exception . . ." Petitions for certiorari had been filed in 15 such cases.

In all criminal cases "Petition for writ of certiorari may be made within 30 days after entry of the judgment or within such further time not

exceeding 30 days as the Court or a justice thereof for cause shown may fix within the 30-day period following judgment." Rule 37(b)(2), Fed. R. Crim. P. The government has 30 days to reply. Supreme Court Rule 38, par. 3, as amended May 17, 1948, 334 U. S. 863. The median time between the filing of petitions for certiorari in capital cases and the Court's action on the petitions, during the 18-year period, was 2.3 months. The question whether a higher priority might be given to consideration of these petitions is, of course, beyond the competence of this Committee. The 3 capital cases in which certiorari was granted were finally decided 3.8 months, 4.5 months and 12 months, respectively, after the petition was filed.

Petitions for executive clemency are filed with the Pardon Attorney in nearly all capital cases but, under present practice, not until after final action by the Supreme Court. The District Court regularly grants stays of execution until the clemency petitions are disposed of. If these petitions were filed soon after affirmance by the Court of Appeals, without regard to the pendency or prospect of a petition for certiorari, final action on clemency petitions would be taken sooner than under the present practice. If the Court of Appeals will instruct its clerk to notify the Pardon Attorney when it affirms a capital conviction, he is ready to adopt for an experimental period the practice of requesting that petitions for clemency in such cases be filed within a specified time thereafter unless good cause for extending the time is shown. The Committee appreciates the cooperative spirit of the Pardon Attorney and recommends the adoption of this plan.

7. Stays of capital sentences.

"A sentence of death shall be stayed if an appeal is taken." Rule 38(a)(1), Fed. R. Crim. P. Theoretically, perhaps, "the appeal automatically stays execution."³ As a precaution, however, stay orders are and should be issued in all cases. The practice of the District Court is to issue an order staying execution of a death sentence until a designated date. Sometimes it becomes necessary to issue a series of such orders before the possibilities of reversal by the Court of Appeals, reversal by the Supreme Court, and executive clemency are successively exhausted.

The present practice does not conflict with Rule 39(a), Fed. R. Crim. P., which provides that "The supervision and control of the proceedings on appeal shall be in the appellate court from the time the notice of appeal is filed with its clerk, except as otherwise provided in these rules." Even if stay orders are "proceedings on appeal," which is not entirely clear, the Rule merely gives the Court of Appeals the right of "supervision and control" over them and does not forbid the District Court to issue them.

However, to avoid need for a series of stay orders in any particular case, we recommend a change in form. We suggest that the judge who imposes the sentence and fixes the date of execution direct at the same time and in the same order that if appeal is taken, execution shall be stayed until the mandate of the Court of Appeals or, if certiorari is granted, the mandate of the Supreme Court, shall have issued to the District Court and the District Court shall have fixed a new date of execution.

3. Fed. R. Crim. P. with Notes and Proceedings of the Institute, 1946, p. 208.

II. TEMPORARY STAYS IN CIVIL CASES, PENDING APPLICATION
TO THE COURT OF APPEALS FOR STAY PENDING APPEAL.

"When an appeal is taken from an interlocutory or final judgment granting, dissolving, or denying an injunction, the [district] court in its discretion may suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as to bond or otherwise as it considers proper for the security of the rights of the adverse party." Rule 62(c), Fed. R. Civ. P. "The provisions in this rule do not limit any power of an appellate court or of a judge or justice thereof to stay proceedings during the pendency of an appeal or to suspend, modify, restore, or grant an injunction during the pendency of an appeal or to make any order appropriate to preserve the status quo or the effectiveness of the judgment subsequently to be entered . . ." Rule 62(g), Fed. R. Civ. P. However, it is sometimes difficult for a court to act at all, and always difficult for it to act advisedly, on a moment's notice.

A judgment granting, dissolving, or denying an injunction may be of such a character as to cause, or fail to prevent, irreparable harm to the losing party as soon as it takes effect. If it is allowed to take effect and is afterwards reversed on appeal, the harm becomes irreparable injury in the fullest sense. To make the statutory right of appeal fully effective we recommend that when the District Court enters a judgment of the character in question and denies the losing party relief pending appeal, and the losing party says he will immediately appeal and apply to the Court of Appeals for relief pending appeal, the District Court ordinarily grant

him temporary relief for a sufficient period to give the Court of Appeals a reasonable opportunity to consider and act upon his application, unless the District Court is of opinion that such temporary relief to the losing party will cause irreparable injury to the successful party.

Wilbur K. Miller
Matthew F. McGuire
Henry A. Schweinhaut
Richmond B. Keech
Henry W. Edgerton, Chairman

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit.

APRIL TERM, 1949

Before Stephens, C.J., and Edgerton, Clark, Wilbur
K. Miller, Prettyman and Proctor, JJ.

ORDER

IT IS ORDERED by the Court that Rule 18(a) of
the General Rules of this Court be, and it is hereby,
amended to read as follows:

(a) Brief for Appellant. The filing of
printed briefs shall be by the delivery to
the clerk of forty printed copies, the
signatures to which may be printed. The brief
for appellant shall be filed within 40 days
(criminal cases, 25 days) after the filing of
the record on appeal, unless within said time
the court shall order the record printed, in
which event it shall be filed within the time
prescribed by Rule 41. If the period for filing
expires in July or August, appellant may have
until September 1 to file his brief, except in
criminal and habeas corpus cases.

Per Curiam.

Dated June 29, 1949.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

APRIL TERM 1949

Before Stephens, C. J., and Edgerton, Clark, Wilbur K. Miller,
Prettyman and Proctor, JJ.

ORDER

IT IS ORDERED by the Court that Rule 33 of the General Rules of this Court be, and it is hereby, amended to read as follows:

Rule 33. Appeals from the District Court in Criminal Proceedings. (See Federal Rules of Criminal Procedure, foll. Sec. 687, Tit. 18, U. S. Code; especially Rules 37 to 39, incl.)

(a) Docketing Appeal. The appeal shall be docketed on receipt of the duplicate notice of appeal.

(b) Cash Deposit. With the notice of appeal appellant shall deposit \$25.00 with the clerk of the district court. This sum shall be transmitted with the duplicate notice of appeal to the clerk of this court, who shall enter and account for it as the docket fee in the case: Provided that such deposit shall not be required in forma pauperis cases.

(c) Notice of Order of District Court Extending Time to File Record. Whenever the district court under Rule 39(c) of the Federal Rules of Criminal Procedure extends the time to file the record, the clerk of the district court shall promptly transmit notice of such action to this court.

(d) Application to Reporter for Transcript. Within 3 days after the notice of appeal is filed with the clerk of the district court, the appellant shall apply to the official court reporter for the necessary transcript of the evidence or proceedings for use on appeal, and shall file with the clerk of this court and serve on the United States Attorney a statement substantially in the following form:

Appellant's statement as to
application to court reporter
for transcript.

Appellant by his counsel hereby states that
on _____ application was made to
date _____

_____, the Official
name
Court Reporter, for the necessary transcript
of the evidence or proceedings for use on
appeal in the above-entitled case.

Counsel for appellant.

(e) Designation of Record and Filing of Reporter's Transcript. Within 20 days after the notice of appeal is filed with the clerk of the district court, the appellant shall serve upon the appellee and file with the district court a designation of the portions of the record, proceedings, and evidence to be contained in the record on appeal, and shall file with the designation the reporter's transcript of the evidence or proceedings designated.

(f) Printing Reporter's Transcript not Required in Capital Cases. In capital cases the parties shall print in a consolidated or joint appendix to the briefs the portions of the record required by Rule 17(a), but need not print the reporter's transcript contained in the record or such parts thereof as they desire the court to read. In lieu of the latter, the appellant when the record on appeal is filed shall also file 3 clearly legible copies of the reporter's transcript of the evidence or proceedings; the copies may be made by any conventional duplicating process with the type on a white background. In criminal cases in which the parties do not print the reporter's transcript contained in the record or such parts thereof as they desire the court to read, the briefs of the parties shall contain a specification of those portions of the reporter's transcript, by page numbers, which the parties desire the court to read in connection with each point presented upon the appeal. In other words, when none of the reporter's transcript is printed, each party, at the beginning of the argument on each point presented on the appeal, shall direct the court's attention to the specific pages of the reporter's transcript which he desires the court to read, in a manner similar to the following:

"With respect to Point 2, appellant (or appellee) desires the court to read the following pages of the reporter's transcript: Tr. 24, 36-48, incl.; 52-54, incl."

This court, on application or on its own motion, may in its discretion make the provisions of this paragraph applicable in any criminal case or cases.

(g) Provision of Title II Applicable. Where not inconsistent with the Federal Rules of Criminal Procedure or with this rule, the provisions of Title II of these Rules so far as applicable shall also govern appeals in criminal proceedings.

Per Curiam.

Dated June 29, 1949.

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON

BENNETT CHAMP CLARK

WILBUR K. MILLER

E. BARRETT PRETTYMAN

JAMES M. PROCTOR

DAVID L. BAZELON

CHARLES FAHY

GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES

D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

March 1, 1951

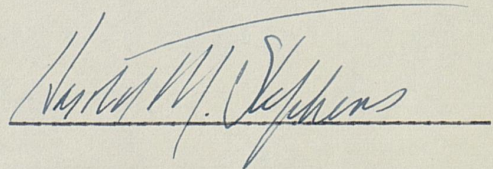
Honorable Fred M. Vinson
Chief Justice of the United States
Washington 13, D.C.

My dear Mr. Chief Justice:

The annual Judicial Conference of this Circuit will be held in the Courtroom in the United States Court of Appeals Building on March 13, 1951. The open session will be held in the morning, commencing at 10:00 A.M., and the executive session will be held in the afternoon, commencing at 2:00 P.M. I am sure that all the judges would be pleased if you could attend the Conference, and I hope that your duties will permit you to be with us.

With kind personal regards, I am

Sincerely yours,



C. J. attended

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

JOSEPH W. STEWART
CLERK

March 8, 1951

RECEIVED

MAR 9 9 16 AM '51

CHAMBERS OF THE
CHIEF JUSTICE

Honorable Fred M. Vinson
Chief Justice of the United States
Washington 13, D. C.

My dear Mr. Chief Justice:

I enclose herewith a copy of the program
of the Judicial Conference of this Circuit to be
held on Tuesday, March 13, 1951.

We are looking forward to your being able
to be present.

With kind personal regards,

Sincerely yours,

Joseph W. Stewart
Clerk.

P R O G R A M

JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT - 1951

in the

Courtroom of the United States Court of Appeals
- - - - -

Tuesday, March 13, 1951
- - - - -

10:00 A.M. Honorable Harold M. Stephens, Chief Judge
 of the District of Columbia Circuit, presiding.

Roll Call

Remarks by Chief Judge Stephens

Remarks by Honorable Fred M. Vinson,
Chief Justice of the United States
- - - - -

Discussion of Topics

Topic 1. "Advisability of making Federal Youth Corrections Act (Pub. No. 865, 81st Cong., 2nd Sess., approved September 30, 1950) applicable to the District of Columbia"

James V. Bennett, Director of the
Bureau of Prisons.

Leo A. Rover, Esq.

Topic 2. "Creation of a separate court in the District of Columbia to handle domestic relations cases"

Arthur J. Hilland, Esq., representing
the Bar Association of the District
of Columbia.

Leroy McKinney, Esq., representing the
Washington Bar Association.

Mrs. June L. Green, representing the
Women's Bar Association of the District of Columbia.

12:30 P.M. Recess

2:00 P.M. Meeting of the Circuit Judges and District
Judges in executive session.

3/8/51

CONFIDENTIAL

AGENDA FOR THE EXECUTIVE SESSION OF THE JUDICIAL CONFERENCE
OF THE DISTRICT OF COLUMBIA CIRCUIT TO BE HELD AT 2:00 P.M.,
TUESDAY, MARCH 13, 1951

1. Roll Call

2. Discussion of the topic:

"Creation of a separate court in the
District of Columbia to handle domestic
relations cases"

District Judge Edward A. Tamm

Will Shafroth, Director of Procedural
Studies and Statistics, Administrative
Office of the United States Courts

3. Discussion of the topic:

"Advisability of legislation to confer
authority on the United States Court of
Appeals to regulate admission to the bar
of the District of Columbia" (See S. 158,
82nd Cong., 1st Sess.)

4. Discussion of the topic:

"Advisability of making Federal Youth Corrections
Act (Pub. No. 865, 81st Cong., 2nd Sess., approved
September 30, 1950) applicable to the District of
Columbia"

5. Consideration of the report of Al Philip Kane, Esq., Chairman of
the Conference Committee on the Integrated Bar,
and his recommendation that the Committee be
continued, that a Chairman be named, and that
the personnel of the Committee be revamped.
(See letter of Al Philip Kane, Esq., dated June 9,
1950.)

Law Offices
KANE AND KOONS
1331 G Street, Northwest
Washington 5, D. C.

June 9, 1950

Joseph W. Stewart, Esq.
United States Court of Appeals
Washington, D. C.

Dear Mr. Stewart:

Mr. Walter Shine has told me that, at last Monday's meeting of the Judicial Conference, he asked why the Conference had not reactivated its Committee on the Integrated Bar.

You will recall that the Conference did take such action at its 1949 meeting and that I was named Chairman of the Committee. I attempted to call a few meetings but was unable to get the members assembled at the times which I selected. Two members of the Committee, Lloyd H. Sutton and Charles H. Houston, Jr., died during the year. There had been no replacement named for Septon Darr who died several years ago. Paul Hannah was in Massachusetts.

I did talk with Jerome Barnard about bringing the matter up for discussion before the District of Columbia Bar Association and following his death I discussed it with John L. Laskey, his successor. By this time, however, a movement was on foot to force a vote on the question whether membership in the District of Columbia Bar Association should be opened to persons other than those of the white race. Mr. Laskey thought that this question would come on for discussion at the May, 1950, meeting, and that the Integrated Bar could be taken up as an alternate plan to the one then proposed. The question of membership qualifications was presented to the Association by referendum, however, and the May meeting was devoted to a debate of Judge Tamm's proposal regarding the Domestic Relations Commissioner.

I believe that the Bar Association will be ready for consideration of the Integrated Bar and I recommend that the Committee be continued as an instrument of the Conference. I suggest, however, that a new chairman be named and that the personnel of the Committee be revamped.

Very truly yours,

AL. PHILIP KANE

Al. Philip Kane

APK:adc

JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT - 1951
in the
Courtroom of the United States Court of Appeals

— — — — —

Remarks by Honorable Fred M. Vinson,
Chief Justice of the United States

2:00 P.M. Meeting of the Circuit Judges and District Judges in executive session.

3/8/51

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the Conference Committee on the Integrated Bar,
and his recommendation that the Committee be
continued, that a Chairman be named, and that
the personnel of the Committee be revamped.
(See letter of Al Philip Kane, Esq., dated June 9,
1950.)

6. Remarks by Circuit Judge Prettyman on:

"The problem created by the fact that juries in rape cases have two functions — one to return a verdict as to guilt, and the other to fix death sentence vel non. Should not some procedure be established whereby factual data—which is material to sentence but inadmissible upon guilt or innocence—may be presented to the jury?"

D i s c u s s i o n .

7. Discussion of proposal to place the United States Commissioner for the District of Columbia on a fixed permanent salary (see H.R. 1041, 82nd Cong.) and to furnish him with secretarial and clerical assistants (see p. 35 H.R. 1042, 82nd Cong.)

8. Remarks by George Morris Fay, United States Attorney, on:

Caseload and problems of his office.

Law Offices
KANE AND KOONS
1331 G Street, Northwest
Washington 5, D. C.

June 9, 1950

Joseph W. Stewart, Esq.
United States Court of Appeals
Washington, D. C.

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I believe that the Bar Association will be ready for consideration of the Integrated Bar and I recommend that the Committee be continued as an instrument of the Conference. I suggest, however, that a new chairman be named and that the personnel of the Committee be revamped.

Very truly yours,

AL. PHILIP KANE

Al. Philip Kane

APK:adc

C O N F I D E N T I A L

PROCEEDINGS OF THE EXECUTIVE SESSION OF THE JUDICIAL CONFERENCE
OF THE DISTRICT OF COLUMBIA CIRCUIT

Tuesday, March 13, 1951

The Judicial Conference of the District of Columbia Circuit convened in executive session at 2:00 P.M., March 13, 1951.

The Honorable Harold M. Stephens, Chief Judge of the District of Columbia Circuit, who had not completely recovered from a recent illness, requested Circuit Judge Henry W. Edgerton to preside.

Thereupon Circuit Judge Edgerton called the meeting to order, and pursuant to his directions the Secretary called the roll.

The following judges were present:

Circuit Justice

Fred M. Vinson

Circuit Judges

Harold M. Stephens, Chief Judge
Henry W. Edgerton
Bennett Champ Clark
Wilbur K. Miller
E. Barrett Prettyman
James M. Proctor
David L. Bazelon
George T. Washington

District Judges

Bolitha J. Laws, Chief Judge
F. Dickinson Letts
T. Alan Goldsborough
James W. Morris
David A. Pine
Matthew F. McGuire
Henry A. Schweinhaut
Alexander Holtzoff
Richmond B. Keech
Edward M. Curran
Edward A. Tamm
Charles F. McLaughlin
Mrs. Burnita Shelton Matthews
James R. Kirkland
Walter M. Bastian
Jennings Bailey (Retired)

Circuit Judge Fahy, because of illness, was unable to attend. Retired Circuit Judge Groner, because of other engagements, was unable to attend.

The items on the agenda for the Conference which is attached hereto were then taken up, as follows:

1. District Judge Edward A. Tamm addressed the Conference on the topic, "Creation of a separate court in the District of Columbia to handle domestic relations cases". At the conclusion of his discussion of the topic, Judge Tamm stated that he had drafted a bill to establish the Family Affairs Court for the District of Columbia.

Thereupon the topic was discussed by Judges Edgerton, Stephens, Prettyman, Laws, and Kirkland.

Judge Tamm then moved that a separate court be established to handle domestic relations cases in the District of Columbia. Judge Prettyman seconded the motion.

Thereupon Judge Laws requested that action on the motion be postponed until the Conference heard Mr. Will Shafroth, Chief of the Division of Procedural Studies and Statistics of the Administrative Office of the United States Courts, who was on the program to discuss the topic and who had been especially requested by Chief Judge Stephens to appear before the Conference for that purpose.

Thereupon the Presiding Judge recognized Mr. Shafroth

who addressed the Conference upon the topic, particularly with respect to the matter of the time now consumed by the District Judges in disposing of divorce and domestic relations cases in the United States District Court for the District of Columbia. Mr. Shafroth submitted the following tables and statistics with relation thereto:

Table 1.

Civil Cases Filed in the United States District Court for the District of Columbia

<u>Fiscal Year</u>	<u>Total</u>	<u>Divorce, etc.*</u>	<u>Insanity</u>	<u>All other</u>
1941	6,490	2,362	1,279	2,849
1942	6,288	2,128	1,431	2,729
1943	6,076	2,519	1,641	1,916
1944	6,798	2,932	1,553	2,313
1945	6,868	2,929	1,616	2,323
1946	8,323	4,161	1,696	2,466
1947	8,124	3,144	2,122	2,858
1948	8,063	2,710	2,239	3,114
1949	8,064	2,662	2,090	3,312
1950	8,047	2,532	2,009	3,506
1951 (1st 1/2)	3,961	1,212	935	1,814

*Includes annulment, maintenance, custody and other marital suits.

Table 2

Civil Cases Terminated.

<u>Fiscal Year</u>	<u>Total civil</u>	<u>Divorce, etc.</u>		
		<u>Total</u>	<u>Non-contested divorce</u>	<u>Other divorce*, etc.</u>
1945	6,541	2,515	1,681	834
1946	6,931	3,063	1,760	1,303
1947	7,946	3,459	2,233	1,226
1948	8,129	3,143	2,058	1,085
1949	7,618	2,640	1,691	949
1950	7,937	2,815	2,001	814
1951 (1st 1/2)	3,714	1,206	1,089	117

Domestic Relations Cases Terminated

	<u>1948</u>	<u>1949</u>	<u>1950</u>
Divorce, absolute	2,099	1,733	1,753
Divorce, limited	695	631	741
Annulment	129	129	104
Maintenance	201	131	191
Custody	14	12	21
Miscellaneous marital affairs	5	4	5
	3,143	2,640	2,815

*Other divorce cases terminated are total divorce, etc., which are terminated on the docket minus those non-contested divorce cases reported by the calendar commissioner as removed from the calendar. While these latter are almost all cases which have been disposed of, some may have been removed from the calendar but still remain on the docket.

Trials

<u>Fiscal Year</u>	<u>Total civil trials</u>	<u>Divorce and domestic relations trials</u>
1948	355	60 (1 jury)
1949	443	82 (1 jury)
1950	459	121 (4 jury)
Total	1,257	263

Table 3

Civil Cases Pending at the end of Fiscal Year

<u>Fiscal Year</u>	<u>Total Civil</u>	<u>Divorce, etc.</u>
1941	4,265	Not available
1942	3,919	"
1943	3,244	"
1944	3,988	2,539
1945	4,315	2,316
1946	5,707	3,414
1947	5,885	3,173
1948	5,819	2,740
1949	6,265	2,762
1950	6,375	2,479
Dec. 31, 1950	6,622	2,473

LENGTH OF CIVIL AND CRIMINAL TRIALS WHICH WERE COMPLETED IN THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

	<u>1946</u>					
	<u>Civil Trials</u>			<u>Criminal Trials</u>		
	<u>Total</u>	<u>Court Trials</u>	<u>Jury Trials</u>	<u>Total</u>	<u>Court Trials</u>	<u>Jury Trials</u>
Total	229	119	110	455	18	437
Less than 3 hours	10	10	-	98	1	97
1 day	79	59	20	233	14	219
2 days	46	22	24	83	1	82
3 days	38	12	26	24	-	24
4 to 5 days	48	13	35	11	1	10
6 to 9 days	6	3	3	3	-	3
10 to 19 days	2	-	2	1	1	-
20 to 29 days	-	-	-	2	-	2
30 days and over	-	-	-	-	-	-

	<u>1947</u>					
	<u>Total</u>	<u>Court Trials</u>	<u>Jury Trials</u>	<u>Total</u>	<u>Court Trials</u>	<u>Jury Trials</u>
Total	275	131	144	369	14	355
Less than 3 hours	25	22	3	61	5	56
1 day	118	68	50	184	9	175
2 days	60	21	39	90	-	90
3 days	39	9	30	13	-	13
4 to 5 days	22	7	15	11	-	11
6 to 9 days	9	4	5	6	-	6
10 to 19 days	2	-	2	3	-	3
20 to 29 days	-	-	-	-	-	-
30 days and over	-	-	-	1	-	1

LENGTH OF CIVIL AND CRIMINAL TRIALS WHICH WERE COMPLETED IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.

	<u>1948</u>			<u>Criminal Trials</u>		
	<u>Civil Trials</u>			<u>Court</u>		<u>Jury</u>
	<u>Total</u>	<u>Trials</u>		<u>Trials</u>	<u>Trials</u>	
Total	353	187	166	432	6	426
Less than 3 hours	29	25	4	30	-	30
1 day	135	100	35	231	4	227
2 days	101	39	62	122	1	121
3 days	34	9	25	24	-	24
4 to 5 days	35	9	26	12	-	12
6 to 9 days	16	3	13	7	1	6
10 to 19 days	2	1	1	4	-	4
20 to 29 days	1	1	-	2	-	2
30 days and over	-	-	-	-	-	-
<u>1949</u>						
Total	431	196	235	530	38	492
Less than 3 hours	80	53	27	95	11	84
1 day	153	73	80	331	25	306
2 days	94	39	55	77	2	75
3 days	50	13	37	16	-	16
4 to 5 days	38	11	27	4	-	4
6 to 9 days	13	5	8	4	-	4
10 to 19 days	1	-	1	1	-	1
20 to 29 days	2	2	-	-	-	-
30 days and over	-	-	-	2	-	2
<u>1950</u>						
Total	457	251	206	609	56	553
Less than 3 hours	67	49	18	143	29	114
1 day	208	135	73	324	24	300
2 days	87	41	46	91	1	90
3 days	43	10	33	22	1	21
4 to 5 days	34	12	22	12	-	12
6 to 9 days	13	3	10	13	1	12
10 to 19 days	5	1	4	3	-	3
20 to 29 days	-	-	-	1	-	1
30 days and over	-	-	-	-	-	-

DISTRICT OF COLUMBIA - TRIALS - FISCAL YEARS 1948, 1949 AND 1950.

1948

	<u>Total Civil Trials</u>			<u>Domestic Relation Cases</u>			<u>Other Civil Cases</u>		
	<u>Total</u>	<u>Court</u>	<u>Jury</u>	<u>Total</u>	<u>Court</u>	<u>Jury</u>	<u>Total</u>	<u>Court</u>	<u>Jury</u>
Total	355	188	167	60	59	1	295	129	166
Less than 1 day	29	25	4	10	10	-	19	15	4
1 day	136	100	36	29	29	-	107	71	36
2 days	102	40	62	14	14	-	88	26	62
3 days	34	9	25	1	1	-	33	8	25
4-5 days	35	9	26	6	5	1	29	4	25
6-9 days	16	3	13	-	-	-	16	3	13
10-19 days	2	1	1	-	-	-	2	1	1
20 days & over (24 days)	1	1	-	-	-	-	1	1	-

1949

Total	443	203	240	82	80	2	361	123	238
Less than 1 day	80	53	27	38	38	-	42	15	27
1 day	164	80	84	20	18	2	144	62	82
2 days	95	39	56	11	11	-	84	28	56
3 days	50	13	37	5	5	-	45	8	37
4-5 days	38	11	27	5	5	-	33	6	27
6-9 days	13	5	8	3	3	-	10	2	8
10-19 days	1	-	1	-	-	-	1	-	1
20 days & over (24 days) (21 days)	2	2	-	-	-	-	2	2	-

1950

Total	459	254	205	121	117	4	338	137	201
Less than 1 day	67	49	18	22	21	1	45	28	17
1 day	210	138	72	76	74	2	134	64	70
2 days	87	41	46	15	15	-	72	26	46
3 days	43	10	33	1	1	-	42	9	33
4-5 days	34	12	22	5	5	-	29	7	22
6-9 days	13	3	10	1	-	1	12	3	9
10-19 days	5	1	4	1	1	-	4	-	4
20 days & over	-	-	-	-	-	-	-	-	-

At the conclusion of Mr. Shafroth's remarks, Judge Morris moved that the Conference request Chief Judge Stephens to report to the Judicial Conference of the United States that the Judicial Conference of the District of Columbia Circuit favors the establishment of a separate domestic relations court in the District of Columbia. Judge Schweinhaut seconded the motion.

Judge Kirkland thereupon suggested that the Conference approve the shorter so-called Tamm bill. Judges Holtzoff, Stephens, and several others stated that they had not read the bill and therefore were not in a position to vote on the matter. Thereupon Judge Kirkland withdrew his suggestion.

Judge Kirkland then stated that if the proposed domestic relations court is to be a court of a municipal character and operated from funds of the District of Columbia, he believed it would be desirable to get the backing of the Commissioners of the District of Columbia and work in close harmony with them on it. Chief Judge Stephens then indicated that at this stage it seemed to him premature to take the matter up with the District Commissioners, but that that course probably would be followed if the Judicial Conference of the United States recommended such legislation.

Thereupon Judge Morris's motion was put to the Conference, and the motion was unanimously adopted.

2. The Presiding Judge then presented the following topic to the Conference for discussion:

"Advisability of legislation to confer authority on the United States Court of Appeals to regulate admission to the bar of the District of Columbia".
(See S. 158, 82nd Congress, 1st Session.)

Judge Edgerton stated that the topic had been considered by the Circuit Judges at a meeting of the Judicial Council on March 12, 1951, and while formal action thereon had not been taken by the Council, there had been no indication that any of the Circuit Judges were in favor of the proposed legislation.

Chief Judge Laws stated that at a meeting of the judges of the District Court in October, 1950, a motion was adopted to disapprove the bill on the grounds stated by the Committee on Admissions and Grievances of the District Court in the letter of the Chairman of the Committee, Walter C. Clephane, addressed to Chief Judge Laws, under date of September 25, 1950. Chief Judge Laws' letter to Chief Judge Stephens under date of October 27, 1950, and the letter from Walter C. Clephane, Chairman of the Committee on Admissions and Grievances of the District Court, to Chief Judge Laws under date of September 25, 1950, relating to the proposed legislation, are set forth below:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Bolitha J. Laws
Chief Judge

October 27, 1950

Honorable Harold M. Stephens,
United States Court of Appeals,
Washington 1, D. C.

My dear Chief Judge Stephens:

The Commissioners of the District of Columbia have submitted to the United States District Court for the District of Columbia, through me, Senate Bill 4014 which purports to confer authority on the United States Court of Appeals for the District of Columbia to regulate admissions of attorneys to the Bar of the District of

Columbia. I enclose herewith copy of the Bill. The matter was taken up by me with the Chairman of our Court Committee on Admissions and Grievances, and lately the Court received from him a written report, copy of which is enclosed.

At a meeting of the Judges of our Court held on day before yesterday, a motion was adopted to disapprove the Bill on the grounds stated by the Committee on Admissions and Grievances and that a suitable letter should be written indicating the opposition of our Court. This action, however, was to be subject to reconsideration in the event, after conferring with the Judges of your Court, it was found they had different views as to the legislation. Will you please take up the matter with the Judges of your Court and advise me whether their views are in accord with those of our Court.

Sincerely yours,

/s/ Bolitha J. Laws

BJL/gpc

* * * * *

COMMITTEE ON ADMISSIONS AND GRIEVANCES

Washington, D. C.

September 25, 1950

Honorable Bolitha J. Laws,
Chief Judge,
United States District Court
for the District of Columbia,
United States Court House,
Washington, D. C.

My dear Chief Judge Laws:

Your Committee on Admissions and Grievances has been requested to submit to the Court its views as to the desirability of having enacted into law Senate Bill No. 4014 of the 2nd Session of the 81st Congress, which is now pending before the Judiciary Committee of the Senate.

This bill seeks to confer authority on the United States Court of Appeals for the District of Columbia to regulate admissions to the Bar of this District.

The bill purports to amend Section 218 of the Code of Laws of the District of Columbia (D. C. Code, 1940 Edition, Sec. 11 —1301). That section confers upon the District Court the power to make rules with respect to admissions to the Bar, and for the censure, suspension and expulsion of persons so admitted. The bill, with the exception hereinafter noted, is in the identical words of the present section 1301, except that it substitutes for "District Court of the United States for the District of Columbia, in General Term", the words "United States Court of Appeals for the District of Columbia Circuit."

It should be noted that while the act establishing the District Court now gives it statutory power to admit and discipline members of the Bar, no such power at present is conferred by statute upon the Court of Appeals. Should the proposed bill be enacted into law it would have the effect of conferring upon the Court of Appeals the same power as now is by statute conferred upon the District Court. Section 1302 which confers disciplinary powers upon the District Court would remain untouched. If this bill should pass, as far as statutory law is concerned, the District Court would be in the position of not being able to admit anyone to its bar, but it would have the power to disbar anyone who has been admitted, except as further indicated in this letter. It would not appear that any statutory authority was or is necessary to confer upon either of these courts the jurisdiction referred to. We would assume that both courts would have the inherent and implied authority to regulate admission to, and removal from, the Bar, and that any statute upon this subject would simply be an enactment into statutory form of the implied power which either court possesses. This is probably the theory upon which the Court of Appeals has acted since its organization, for ever since that time it has assumed the right to admit properly qualified persons to its Bar and to discipline those who have violated their trust.

If we are correct in this, there is only one change which the proposed law would make, but that is an important one. It is found in the last sentence of the bill, which is in the following words:

"Membership in the bar of the United States Court of Appeals for the District of Columbia Circuit shall entitle the member to practice in all the courts of the District of Columbia."

We are informed that in every State of the Union, with six exceptions, the power to admit and discipline members of the Bar is exercised by the highest court of the state, and that attorneys admitted in the highest court become by virtue of such admission entitled to practice in every court throughout the state.

In the Federal courts the universal practice has been for the Circuit Courts of Appeals to admit to membership in their bars

all persons who have been admitted to the Bar of the Supreme Court of the United States. Our Court of Appeals has conformed to this practice, and it probably would be reluctant to depart from this uniform procedure. The result of the passage of this bill, containing as it does the concluding sentence above quoted, would be to make every person who has been admitted to the Bar of the Supreme Court eligible to admission in the Court presided over by Your Honor, and would make a hollow mockery of the provision of Section 11--1302, which would still remain on the statute books and which empowers the District Court to regulate the conduct of attorneys, because it makes it incumbent upon the District Court to recognize the right of members of the bar of the Court of Appeals to practice in your Court, notwithstanding they may have been disbarred by Your Honor's judgment.

It is important to consider what the effect of this would be.

The Supreme Court admits to its bar every person of good character who for three years has been a member of the bar of the highest court of any state. He may not have practiced for a day. He may have been admitted in some state whose educational requirements are practically nil. His admission may have occurred half a century ago, during which time he may have been completely out of touch with legal matters. The examination into his character by the Supreme Court is rather sketchy. Notwithstanding all this, he may become a member of the bar of the highest court in the nation and because of that be admitted to the Court of Appeals and then, under this bill, he would be entitled to admission to the Bar of the District Court. It is perhaps for this reason that membership in the Bar of the Supreme Court of the United States has not been considered under Your Honor's rules as a qualification for membership in the Bar of this Court.

It has been the effort of this Court for a number of years to raise its standards for admission. It has accomplished this by revisions of its rules which are protecting it from the inundation of uneducated, unqualified, and undesirable characters. The passage of this bill would destroy all the efforts which have been made during recent years to insure that the Court will be served by duly qualified attorneys.

We can see considerable difference between appellate courts and courts of original jurisdiction, as to the necessity for an attorney to be ethically qualified. It is in these latter courts that attorneys meet to discuss compromises, pleadings, and issues, attend pre-trials, etc. They meet and make representations and give assurances to a greater degree than is necessary in appellate courts. If they are not honest and trustworthy the accomplishment of justice is made more difficult.

We have not discussed the constitutional question of the power of Congress to regulate admissions in the Federal Courts. We believe that great doubts exist as to this.

Respectfully yours,

/s/ Walter C. Clephane

Chairman

Thereupon Judge Proctor moved that Chief Judge Stephens be requested to notify the Judicial Conference of the United States that the Judicial Conference of the District of Columbia Circuit is opposed to the proposed legislation to confer authority on the United States Court of Appeals for the District of Columbia Circuit to regulate admission to the bar of the District of Columbia. District Judge Keech seconded the motion.

Thereupon Circuit Judge Prettyman suggested that no vote should be had on the motion until the pending Carter case in the Court of Appeals (No. 10,504) is disposed of; that a petition for rehearing in the Carter case was pending in the Court of Appeals; that, as he understood it, the majority opinion of the Court had held that an applicant for admission to the bar is entitled to a due process hearing before his application could be denied. Following a spirited discussion by several of the judges, Judge Pine moved that Judge Proctor's motion be laid on the table. Circuit Judge Prettyman seconded the motion. After some further discussion, Judge Pine's motion was unanimously adopted.

3. The Presiding Judge then presented for discussion the following topic:

"Advisability of making Federal Youth Corrections Act (Pub. No. 865, 81st Cong., 2nd Sess., approved September 30, 1950) applicable to the District of Columbia."

The above topic had been discussed at the morning public session of the Conference by James V. Bennett, Director of the Bureau of Prisons, and by Leo A. Rover, Esquire.

Judge Holtzoff moved that the Judicial Conference of the District of Columbia Circuit approve the proposal to make the Federal Youth Corrections Act applicable to the District of Columbia. Judge Laws seconded the motion.

Judge Keech moved that Judge Holtzoff's motion be amended so as to approve the application of the Federal Youth Corrections Act to the District of Columbia with the understanding that it does not affect the jurisdiction of the Juvenile Court of the District of Columbia. Judge Holtzoff indicated that he accepted Judge Keech's amendment.

Thereupon the Conference unanimously adopted Judge Holtzoff's motion, as amended, that the Conference approve the proposal to make the Federal Youth Corrections Act applicable to the District of Columbia provided that it does not affect the jurisdiction of the Juvenile Court of the District of Columbia.

4. The Presiding Judge then presented for consideration the report of Al. Philip Kane, Esquire, Chairman of the Judicial Conference Committee on the Integrated Bar, dated June 9, 1950, and

his recommendation that the Committee be continued, that a new chairman be named, and that the personnel of the Committee be revamped.

Judge Edgerton thereupon read to the Conference a letter dated June 20, 1949, from the Secretary of the Judicial Conference of this Circuit, to Al. Philip Kane, Chairman of the Committee on the Integrated Bar. The letter to Mr. Kane is as follows:

June 20, 1949

Al. Philip Kane, Esquire
Chairman, Committee on Integrated Bar of the Judicial Conference
for the District of Columbia Circuit
Washington, D. C.

My dear Mr. Kane:

As you will recall the Judicial Conference for the District of Columbia Circuit in 1942 adopted the following resolution:

"RESOLVED, that the Conference thanks the Committee on the Integrated Bar for its work and recommends to the Judicial Council for the District of Columbia the adoption of the following resolution:

RESOLVED:

A. That the members of the Bar of the District are requested to study and debate the draft of the integrated bar bill contained in the report of the Committee on the integrated Bar.

B. That the bar associations in the District are requested to circulate copies of the Committee's report and of the bill among their respective memberships, and to hold meetings to discuss the report and the bill; and to urge their members to send objections, suggestions and recommendations with respect thereto to the Committee.

C. That the Committee be continued for the purpose of discussing, when called upon to do so, the subject of the integrated bar with bar groups; of receiving suggestions with respect to, and criticisms of, an integrated bar in the District of Columbia; and of preparing a final report and recommendations for submission to the next Judicial Conference in the District of Columbia; and

D. That a final report of this Committee be submitted to and considered by the next meeting of this Conference."

The next Judicial Conference for the District of Columbia Circuit, which was held in 1943, adopted a resolution of its Resolutions Committee which recommended that the Conference accept the recommendations of Chairman Kane's Committee on Integrated Bar, which recommendations were as follows:

"The Committee on Integrated Bar recommends that no action be taken on the 1942 Report of the Committee on Integrated Bar and the proposed Bar Integration Statute at this meeting, but that the matter be placed on the agenda for the 1944 Judicial Conference and continued from year to year, if necessary, until peace has been restored. It is further recommended that the Committee on Integrated Bar be continued in order that there may be such compliance as the circumstances may permit with the terms of the Resolution adopted at the 1942 Judicial Circuit Conference."

At the open session of the Judicial Conference for the District of Columbia Circuit held on June 3, 1949, a paper was submitted by Barrington Parker, Esquire, on behalf of the Washington Bar Association with regard to the subject of the integrated bar, a copy of which I enclose. Subsequently the Conference, in executive session, adopted a motion that the Committee on Integrated Bar be requested, now that the war is over, to carry out the resolution of the Judicial Conference of 1942 with respect to the subject of the Integrated Bar.

Will you not be good enough to take the matter up with the Committee.

Sincerely,

/s/ Joseph W. Stewart

Secretary of the
Judicial Conference

Encl.

Judge Edgerton then stated to the Conference that no report was made by the Committee on the Integrated Bar to the 1950 session of the Judicial Circuit Conference; that the Judicial Circuit Conference on June 5, 1950, adopted a resolution that if the Committee on the Integrated Bar "reported that it would make no report, then the Conference should consider the matter further as to what should be done"; and that on June 9, 1950, Mr. Kane, Chairman of the Committee on the Integrated Bar, addressed the following letter to the Secretary of the Judicial Circuit Conference:

Law Offices

KANE AND KOONS
1331 G Street, Northwest
Washington 5, D. C.

June 9, 1950

Joseph W. Stewart, Esq.
United States Court of Appeals
Washington, D. C.

Dear Mr. Stewart:

Mr. Walter Shine has told me that, at last Monday's meeting of the Judicial Conference, he asked why the Conference had not reactivated its Committee on the Integrated Bar.

You will recall that the Conference did take such action at its 1949 meeting and that I was named Chairman of the Committee. I attempted to call a few meetings but was unable to get the members assembled at the times which I selected. Two members of the Committee, Lloyd H. Sutton and Charles H. Houston, Jr., died during the year. There had been no replacement named for Septon Darr who died several years ago. Paul Hannah was in Massachusetts.

I did talk with Jerome Barnard about bringing the matter up for discussion before the District of Columbia Bar Association and following his death I discussed it with John L. Laskey, his successor. By this time, however, a movement was on foot to force a vote on the question whether membership in the District of Columbia Bar Association should be opened to persons other than those of the white race. Mr. Laskey thought that this question would come on for discussion at the May, 1950, meeting, and that the Integrated Bar could be taken up as an alternate plan to the one then proposed. The question of membership qualifications was presented to the Association by referendum, however, and the May meeting was devoted to a debate of Judge Tamm's proposal regarding the Domestic Relations Commissioner.

I believe that the Bar Association will be ready for consideration of the Integrated Bar and I recommend that the Committee be continued as an instrument of the Conference. I suggest, however, that a new chairman be named and that the personnel of the Committee be revamped.

Very truly yours,

AL. PHILIP KANE

Al. Philip Kane

APK:adc

Thereupon Judge Pine moved that the Conference adopt the recommendation of Mr. Kane, Chairman of the Committee; that the Committee be continued as an instrument of the Conference; that a new chairman be named; and that the personnel of the Committee be revamped. Judge Bastian and Judge Matthews seconded the motion.

Judge Holtzoff moved that the matter be laid on the table. Judge Schweinhaut seconded Judge Holtzoff's motion.

Judge Holtzoff in support of his motion stated that inasmuch as the members of the organized bar of the District of Columbia had evinced such little interest in the matter of the

Integrated Bar, the Conference ought not to pursue the matter.

In response to a question from Judge Schweinhaut, the Chair ruled that if the motion to lay the matter on the table should be adopted, the matter would remain dormant and would not come up again unless taken up by the Conference.

Thereupon the Chair called for a voice vote on Judge Holtzoff's motion. There being a division, the Chair called for a show of hands, and Judge Holtzoff's motion was defeated by a vote of 12 to 9.

Thereupon Judge Curran moved that it is the sense of the Conference that it favors the principle of the integrated bar, to which motion there was no second.

Thereupon Judge Keech moved, as a substitute to Judge Pine's motion, that it is the sense of this Conference that the Conference has no jurisdiction of the matter. Judge Holtzoff seconded the substitute motion by Judge Keech. In support of his motion Judge Keech stated that he felt that the Conference should not deal with the subject of the integrated bar for lack of jurisdiction by the Conference.

Judge Stephens spoke at some length on the subject of the integrated bar and indicated that in his view the Conference had jurisdiction of the matter. Judge Keech stated that the subject was primarily a matter for legislation in the first instance. Thereupon Circuit Justice Vinson spoke upon the matter and particularly on the matter of the jurisdiction of the Conference and indicated that in his view the Conference had jurisdiction of such a

matter.

Judge Keech then stated that he wished to amend his motion so that it would be as follows:

That it is the sense of this Conference that the matter of the integrated bar in the first instance is a matter for legislation and should be introduced in that forum rather than in the Judicial Conference.

Judge Proctor then spoke on the matter of the jurisdiction of the Conference and indicated his view that the Conference had jurisdiction of the matter of the integrated bar, and Judge Proctor thereupon moved that Judge Keech's amended motion be laid on the table. Some discussion of the matter then ensued, following which Judge Proctor moved that the Chair appoint a small committee within the Conference to report back to the Conference at such time as the committee may be directed by the Chair. Chief Judge Stephens seconded the motion.

Thereupon Judge Keech, with the consent of his second, withdrew his motion.

Thereupon Judge Proctor moved that the Chief Judge of the Court appoint a committee, not of members of the bar, but of the two Courts, to consider this subject and to report back to the Conference. Judge Stephens seconded the motion. On a voice vote, the Chair ruled that Judge Proctor's motion was defeated.

Thereupon the Chair put the question of Judge Pine's motion that the Conference adopt the recommendation of Mr. Kane, Chairman of the Committee on the Integrated Bar, that the Committee be continued as an instrument of the Conference, that a new chairman

be named by the Chief Judge of the Circuit, and that the personnel of the Committee be revamped by the Chief Judge of the Circuit. On a voice vote, a division was indicated, and the Chair called for a show of hands; Judge Pine's motion thereupon was adopted by a vote of 12 to 10.

5. The Chair then called on Circuit Judge Prettyman for remarks on the next item (No. 6) on the agenda, reading as follows:

"The problem created by the fact that juries in rape cases have two functions -- one to return a verdict as to guilt, and the other to fix death sentence vel non. Should not some procedure be established whereby factual data -- which is material to sentence but inadmissible upon guilt or innocence -- may be presented to the jury?"

Judge Prettyman gave a short discussion of the problem, following which a general discussion of the matter was participated in by a number of judges.

Thereupon Judge McGuire moved that the Chief Judge of the District Court be requested to appoint two District Judges and that the Chief Judge of the Circuit be requested to appoint a Judge of the Court of Appeals to constitute a committee of three judges to study the problem presented in Item 6 on the agenda of the Conference. Judge Holtzoff seconded the motion, which was unanimously adopted.

Thereupon Chief Judge Stephens appointed Circuit Judge Prettyman and Chief Judge Laws appointed District Judge Pine and District Judge Holtzoff to serve on the committee.

6. The Presiding Judge then presented for discussion a proposal to place the United States Commissioner for the District of Columbia on a fixed permanent salary and to furnish him with secretarial and clerical assistants. District Judge Curran, after stating that he was the liason judge between the District Court and the United States Commissioner, spoke upon the subject and called attention to H.R. 1041, 82nd Congress, which contained a provision that "each United States Commissioner in the District of Columbia shall receive a salary of \$12,000 a year" and H. R. 1042, 82nd Congress, which contained a provision that "each United States Commissioner for the District may employ secretarial and clerical assistants in such number and incur such other expenses as the District Court considers necessary". He also called attention to H.R. 111, 82nd Congress, to provide that United States Commissioners generally shall be paid an annual salary to be fixed by the Judicial Conference of the United States.

Chief Judge Stephens thereupon spoke upon the matter and called the attention of the Conference to the following memorandum of the United States Commissioner for the District of Columbia, dated March 10, 1951, in justification of his request to be placed upon a permanent salary, and to the following memorandum of Elmore Whitehurst, Assistant Director of the Administrative Office of the United States Courts, dated March 8, 1951:

THE UNITED STATES COMMISSIONER
FOR THE DISTRICT OF COLUMBIA
631 E Street, N. W.
Washington 4, D. C.

Metropolitan 0676

Cyril S. Lawrence
United States Commissioner

MEMORANDUM TO

Honorable Harold M. Stephens,
Chief Judge, U. S. Court of Appeals
for the District of Columbia Circuit.

The following facts and reasons are set forth to show why the U. S. Commissioner in the District of Columbia should be placed on a full time basis, receive a stated salary instead of being on a fee basis and be provided with sufficient clerical and secretarial help.

1. He acts as committing magistrate in all types of criminal cases including cases which would be ordinarily handled in State Courts by salaried Judges and Magistrates.
2. The volume of work has increased to a point where his entire time is consumed in performing his duties.
3. The duties of his office should require his full time and attention, therefore he should not be permitted to practice law.
4. His hearings are set at odd hours inasmuch as on each day in the week defendants are brought in for preliminary hearings and it is almost impossible for him to keep appointments at his law office or properly represent clients in litigation.
5. He holds most of the preliminary hearings on major felony offenses and he is called upon to issue search and arrest warrants in cases which ordinarily in the various States would be handled by Municipal and State salaried Judges or Magistrates.
6. There is need for a mobile committing magistrate in the District of Columbia to be available to issue arrest and search warrants and conduct hearings at unusual hours and places.
7. The testimony produced at the U. S. Commissioner's hearings may be vital to both the government and the defendant, therefore written or recorded transcripts of the testimony should be taken. The Commissioner at some hearings acts as committing magistrate, prosecuting attorney, defense counsel, clerk, and bailiff. He must resort to handwritten notes and his recollection of proceedings conducted before him whenever issues are raised as to what transpired during their pendency. (Commissioner is called upon to testify in many criminal cases for the government and the defense).

8. The secretarial and clerical work for the Commissioner cannot be performed by his law office staff. It is necessary that full time employees be available to handle same at his Commissioner's office (now at the Municipal Center).
9. The maximum amount of fees that the U. S. Commissioner can receive is approximately \$9,400.00 per annum, and out of same he must pay for all clerical and secretarial help, and provide and pay for telephone, stationery, typewriters, furniture, etc.
10. Much of the clerical work is now performed by the Commissioner himself as the compensation afforded him is not sufficient to pay for same. Should have sufficient clerical help paid for by the government (at least 2 clerks and 1 secretary).
11. The last three months of 1950 the Commissioner received no compensation for his services (maximum fees allowed paid). The fees ordinarily allowable for this period amounted to approximately \$3,000.00 which could not be collected. The expenses for this period had to be borne by the Commissioner personally.
12. Unusual number of continuances requested and granted at his hearings due to law enforcing officers or lawyers being tied up in other litigation before the Courts. Last year approximately four thousand appearances made by defendants before the Commissioner, thereby requiring extra clerical work and additional time performed by the Commissioner for which there is no provision for additional compensation.
13. The Commissioner for the District of Columbia conducts all sanity hearings under Public Law 346, 81st Congress, at St. Elizabeth's Hospital, for which no provision was or has been made to compensate him for his services.
14. The fee system in the District of Columbia is antiquated, inequitable, and injudicious, and more than one Commissioner in the District of Columbia under the fee system would create competition, thereby being detrimental to the interest of justice.
15. Inquiries made daily by Federal Bureau of Investigation, United States Secret Service, Postal Inspectors, Police Department, U. S. Attorney's Office, Clerk's Office, A. B. C. Board, lawyers, bondsmen, relatives of defendants, regarding status, etc. of pending or past cases. (U.S. Commissioner receives no pay for this service.)

16. He has press interviews daily with all of the local newspapers.
17. He conducts correspondence with various governmental agencies throughout the country relative to inquiries and such legal research as is necessary.
18. The U.S. Commissioner for the District of Columbia is different from other U.S. Commissioners throughout the country for the reasons stated above and the following:
 - (a) Commissioners in other districts can practice law in the State Court, i.e., civil, criminal, etc. The Commissioner in the District of Columbia cannot practice any criminal law as same would involve the United States (or the District of Columbia) thereby limiting him to divorce, damage claims, and probate matters only not involving the United States or the District of Columbia. Most of the litigation here involves the United States or the District of Columbia;
 - (b) Public (prospective clients) in Washington, D. C. believe and act as if the Commissioner was a full time employee of the United States and should furnish his services to them free, or that he is not permitted to practice law;
 - (c) Tries cases before Judges who appointed him or for whom he acts;
 - (d) Issues all process prior to indictment to apprehend felons outside of the District of Columbia;
 - (e) Is available 24 hours per day 7 days a week and 365 days a year to issue process or to conduct preliminary hearings on felony cases usually performed by State Judges or Magistrates;
 - (f) Issues all non-support warrants and holds all such hearings in this District;
 - (g) Three-fourths of the Commissioner's time is used in performing duties ordinarily exercised by State, County, or Municipal salaried Judges or Magistrates.
19. The Federal pattern is deviated in the District of Columbia by the Register of Wills, Assignment Commissioner, Domestic Relations Commissioner, Veterans Commissioner, Mental Health Commission, Municipal Court, Coroner, etc.
20. The nomenclature of the U. S. Commissioner for the District of Columbia could be changed to Magistrate, Master, Referee, etc., if special consideration is necessary.
21. The U. S. Courts for the District of Columbia should maintain control over the preliminary hearings conducted for them. (Need of a U. S. Commissioner in the District of Columbia appointed by the U. S. District Court and subject to removal by them.)

22. The Commissioners in the United States Court of Claims who conduct similar hearings in civil matters as the U. S. Commissioner for the District of Columbia does in criminal matters, receive \$14,000.00 per annum besides clerical help, facilities, and expenses.
23. The Municipal Court Judges who also act as committing magistrates (not under control of the U. S. District Court) are appointed for ten years, receive \$13,000.00 per annum and substantial retirement privileges.
24. The Bar Association of the District of Columbia has recommended that the U. S. Commissioner be on a fixed salary basis and be provided with the necessary quarters, clerical help, supplies, etc.
25. The House of Representatives, Special Subcommittee to investigate crime and law enforcement in the District of Columbia unanimously recommended that the U. S. Commissioner be placed on a fixed salary and furnished adequate clerical and secretarial personnel and other facilities. H. R. 1041 provides that the U. S. Commissioner for the District of Columbia shall receive a salary of \$12,000.00 a year. H. R. 1042 provides for secretarial and clerical assistance and such other necessary expenses.

In conclusion, the U. S. Commissioner's functions in the District of Columbia are an important cog in law enforcement and in the judicial system for the District of Columbia, and the demands made upon the Commissioner are such as to require his time and attention on a round-the-clock basis from day to day throughout the year. He should be paid a salary commensurate with the official duties he is performing, his standing in the community, and considering the unusual high cost of living in the District of Columbia. He should also be provided with adequate clerical help by the government as it is practically impossible to obtain same through private sources due to the high cost of living and the exorbitant salaries demanded by clerical help. If the U. S. Commissioner is placed on a salary basis and is provided clerical help he could also aid the Court in many matters (civil and criminal) that could be referred to him.

Respectfully submitted,

CYRIL S. LAWRENCE /s/
U. S. Commissioner for
the District of Columbia.

March 10, 1951

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

Supreme Court Building

Washington 13, D. C.

Henry P. Chandler
Director

March 8, 1951

Elmore Whitehurst
Assistant Director

MEMORANDUM FOR JUDGE HAROLD M. STEPHENS:

In 1942 the Judicial Conference appointed a Committee on United States Commissioners consisting of District Judge Carroll C. Hincks, of Connecticut, Chairman, and District Judges W. Calvin Chestnut, of Maryland, James Alger Fee, of Oregon, Gunnar H. Nordbye, of Minnesota, John F. Symes, of Colorado, and George C. Taylor, of the Eastern District of Tennessee (Judicial Conference Report, September Session, 1942, page 12). At the 1943 session, the Committee made its report which the Conference approved (Judicial Conference Report, September Session, 1943, page 11). With reference to compensation by salary for United States commissioners, the Hincks's Committee had the following to say:

"In theory we were impressed with the desirability of providing compensation for commissioners in the form of salary.

"This method of compensation would dispose once for all of the criticism that under the present fee system the direction of official decision may be colored by the prospect of a fee. The criticism we think somewhat captious as applied to the commissioners. Nevertheless, for the public repute of the judicial establishment it is a criticism well to heed.

"A salary system would also, apparently, make it possible to do away with the absurdly cumbersome method of accounting now in vogue.

"But, obviously, it is not reasonable to believe that Congress by legislation would in effect give a blanket pledge annually to appropriate all funds necessary to meet the salaries of all those whom the judges might hereafter appoint as commissioners without limitation as to numbers. It occurred to us that this obstacle to the enactment of a salary bill could be obviated by legislation authorizing the compensation of commissioners annually by salary within the aggregate limit of the funds which Congress annually should appropriate for that budgetary item.

"But such an Act would leave as an open problem the task of dividing the aggregate appropriation betwixt the numerous commissioners in a manner adapted to meet the other objectives of needed reform as indicated above. Most appropriately the distribution would be accomplished through the Administrative Office, under the supervision of the Conference. But how could these authorities provide for a distribution, meeting all the complex requirements of the situation?

"It was our fear that this task, if imposed upon the Administrative Office and Conference at least without a sound solution of the inherent problem, would subject both the Conference and the Administrative Office to intolerable administrative detail, diverting the time which each body would otherwise spend on more important matters and, more serious, leave room for a suspicion that the distribution was being accomplished by arbitrary methods unfavorable to a multitude of those affected thus jeopardizing the constructive and cooperative relationship which heretofore has existed between the Administrative Office and the judges and commissioners. Indeed, without a clear showing of how a proper distribution could feasibly be accomplished, we feared the enactment of a salary bill might be impossible. One could hardly expect judges and commissioners to support a salary bill which gave no clue to its effect upon the individuals affected.

"We agreed, however, that the most suitable salary bill which we could devise was substantially that appended hereto as Exhibit A. But because of the difficulties mentioned above, and others which we will not take time to enumerate - we turned to a consideration of a simplified fee bill."

The simplified fee bill recommended by the Committee and the Conference was subsequently enacted by Congress as were also bills to permit the Administrative Office to supply to commissioners

at Government expense dockets, forms, seals and copies of the United States Code. The present schedule of basic fees is found in Section 633 of Title 28, U.S.C. These fees have been increased on a sliding percentage basis ranging from approximately 30% to 50% by the provisions of the Federal Employees Pay Acts of 1945 and 1946. Also the ceiling of \$7500 per year upon fees imposed by Title 28, U.S.C., Section 633 (b) is exclusive of the percentage increases granted by those Acts so that the maximum fees which a United States commissioner may now receive for any one calendar year for his services are approximately \$9600.

In the last Congress a bill, H.R. 4452, was introduced in Congress to "provide that United States Commissioners shall be paid an annual salary to be fixed by the Judicial Conference of the United States", and the Director of the Administrative Office was asked for a report on the bill by the Chairman of the House Committee on the Judiciary. The Director reported these facts to the Judicial Conference at its Special Session held in March of 1950, and "The Conference reaffirmed its approval of the recommendations of the Hincks Committee dealing with a salary system of compensation for commissioners, previously approved by the Conference in September, 1943, ***" The action of the Conference with regard to this matter is found on pages 4, 5, and 6 of the Conference Report, Special Session, March, 1950, a copy of which is attached to this memorandum.

A bill, identical to H.R. 4452 of the last Congress, to place commissioners on a salary basis with a salary to be fixed

by the Judicial Conference of the United States has been introduced in the present Congress as H.R. 111 by Representative Keogh, of New York, the author of the former bill. It is now pending before Subcommittee 4 of the House Judiciary Committee.

H.R. 1041 entitled "A Bill To provide adequate compensation for certain law enforcement officers in the District of Columbia" has been introduced by Mr. Davis, of Georgia, and is presently pending before the House Judiciary Committee. Section 3 of this bill would provide that "Each United States commissioner in the District of Columbia shall receive a salary of \$12,000 a year."

Copies of H.R. 111 and H.R. 1041 are attached to the memorandum.

H.R. 1042 entitled "A Bill To provide for the more effective prevention, detection, and punishment of crime in the District of Columbia", also introduced by Mr. Davis, of Georgia, is pending before the Committee on the District of Columbia. Section 403 of this bill, a copy of which is attached hereto, provides as follows:

"SEC. 403. Each United States commissioner for the District may employ secretarial and clerical assistants in such number and incur such other expenses as the district court considers necessary."

In this connection it should be mentioned that Section 639 of Title 28, U.S.C., now provides that "The director of the Administrative Office of the United States Courts shall furnish to United States commissioners adequate docket books and forms prescribed by the Director. The Director shall also furnish each commissioner with a copy of the United States Code, upon approval of the

chief judge of the district court of his district." No other office supplies and no secretarial help is now provided for any United States commissioner.

Also attached to this memorandum is a table listing the commissioners who have exceeded the maximum limitation on earnings during any of the calendar years 1948, 1949, and 1950, and the fees which they would have earned if the limitation had not been imposed. It will be observed from this table that Mr. Cyril Lawrence, who entered on duty as United States Commissioner for the District of Columbia on July 12, 1948, has for the first time in 1950 earned fees in excess of the maximum limitation. He received total fees for 1950 amounting to \$9295.50, whereas his fees would have been \$11,426.70 if the limitation on his earnings had not been imposed by statute.

/s/ Elmore Whitehurst

Assistant Director

Prepared March 8, 1951

STATEMENT SHOWING THE PAYMENTS OF FEES TO CERTAIN U. S. COMMISSIONERS
AS COMPARED WITH AMOUNTS WHICH WOULD HAVE BEEN PAID IF THERE HAD BEEN NO
STATUTORY LIMITATION OF \$7500 ON BASIC FEES PER CALENDAR YEAR

	Basic Fees Claimed Plus Increases Under Public Laws 106 and 390	Amount Paid	Amount disallowed in excess of limitation
Lawrence, Cyril S. Washington, D. C.			
1948*	\$ 3,380.89	\$3,380.89	None
1949	8,797.72	8,797.72	None
1950	11,426.70	9,295.50	\$2,131.20

*Appointment effective July 12, 1948

Wolfe, Cameron W. Oakland, California (N)			
1948	\$ 9,063.07	\$9,063.07	None
1949	13,682.22	9,333.64	\$4,348.58
1950	9,310.74	9,401.05	90.31

Hall, John C. Edinburg, Texas (S)			
1948	\$ 5,234.93	\$5,234.93	None
1949	5,034.28	5,034.28	None
1950	20,470.44	9,409.16	\$11,061.28

Clifton, Henry C. El Paso, Texas (W)			
1948*	\$13,171.40	\$9,677.35	\$3,494.05
1949	18,219.32	8,992.61	9,226.71
1950	15,487.21	9,376.50	6,110.71

*Appointment effective April 1, 1948

King, Stanley Alexandria, Virginia (E)			
1948	\$ 6,232.82	\$6,232.82	None
1949	17,566.69	9,505.43	\$ 8,061.26
1950	31,773.63	8,987.14	22,786.49

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The following pages omitted from this copy for the reason that
sufficient copies of the material are not available:--

Page 34 (Report Judicial Conference March 9, 1950)

Page 35 (H. R. 111, 82d Congress)

Page 36 (H. R. 1041, 82d Congress)

Page 37 (H. R. 1042, 82d Congress)

Copies of the foregoing memoranda had been distributed to the members of the Conference in advance of the meeting of the Conference. Chief Judge Stephens indicated that Mr. Lawrence, the United States Commissioner, had agreed that if the United States Commissioner was placed on a fixed permanent salary, the Commissioner should be prohibited from practicing law during his term of office.

After some further discussion of the matter, Judge Curran moved that the Chief Judge of the Circuit be requested to report to the Judicial Conference of the United States that it is the sense of the Judicial Conference of the District of Columbia Circuit that the United States Commissioner for the District of Columbia should be placed on a permanent fixed salary and that he should be furnished with adequate secretarial service.

Judge Schweinhaut seconded the motion.

Chief Judge Stephens announced that he would not vote on the motion, for the reason that as a member of the Judicial Conference of the United States he might be called upon to pass upon the matter.

On a voice vote Judge Curran's motion was unanimously adopted by the other judges present.

7. The Presiding Judge then called on District Judge Alexander Holtzoff to discuss the use of special verdicts in civil cases. After a short presentation of the matter by Judge Holtzoff, a short general discussion of the matter ensued.

8. The Presiding Judge then presented Honorable George Morris Fay, United States Attorney, who addressed the Conference with reference to the caseload and problems of his office. On the conclusion of his remarks, Mr. Fay was excused and departed.

9. Thereupon Chief Judge Stephens addressed the Conference on the status of the bill to provide pensions for widows of judges.

10. Chief Judge Stephens then read a letter addressed to him under date of March 12, 1951, from James J. Laughlin, reading as follows:

JAMES J. LAUGHLIN
Attorney and Counsellor at Law
National Press Building
Washington, D. C.

March 12, 1951

Hon. Harold M. Stephens
Chief Judge
United States Court of Appeals
for the District of Columbia
Washington, D. C.

Dear Judge Stephens:

Inasmuch as the judicial conference scheduled for tomorrow, as I understand it, is to discuss ways and means of clearing the civil docket in the United States District Court, I felt it wise to make a few observations.

At the outset it occurs to me that it is very inconsistent on the part of the United States District Court to recess an entire day for such a discussion when the matter could be handled

on a Saturday or perhaps during the Easter recess. When the matter is being discussed, I wish you would also bring to the attention of the Court the advisability of abandoning or seriously curtailing the long Easter recess that will get under way at the close of business March 22nd (and I understand some of the judges are making plans to leave on March 21st). The Court will not reconvene until April 2, but there will probably be very little work done until April 4 since new juries will be impanelled April 3.

In addition to the above I again desire to criticize the unlawful practice of District Court in taking 13 weeks vacation in the summertime without any statutory authority. Surely if Municipal Court recessed on March 13 to discuss the matter of relieving the congested docket of that court the judges would be roundly criticized, and properly so. I have been unable to understand why a different code of conduct exists for District Court as compared with the Municipal Court. As far as District Court is concerned the old-fashioned remedy will prevail: More work. As a matter of fact there is practically no work done after 11:30 or 12:00 on Fridays, and the long recess at Easter, Christmas and the long unauthorized recess in the summertime seriously impede the administration of justice in the District of Columbia.

I trust you will bring this matter to the attention of all concerned.

Thanking you and wishing you all the happiness of the coming Easter season, I am

Sincerely yours,

/s/ James J. Laughlin

JJL:ecb

Circuit Justice Vinson then spoke briefly on the status of the bill to provide pensions for widows of judges.

Thereupon Judge Holtzoff moved that the Conference adjourn. Judge Keech seconded the motion, which was unanimously adopted, and the Chair at 4:30 P.M., declared the Conference adjourned.

JOSEPH W. STEWART
Secretary of the Judicial Conference

3/8/51

CONFIDENTIAL

AGENDA FOR THE EXECUTIVE SESSION OF THE JUDICIAL CONFERENCE
OF THE DISTRICT OF COLUMBIA CIRCUIT TO BE HELD AT 2:00 P.M.,
TUESDAY, MARCH 13, 1951

1. Roll Call

2. Discussion of the topic:

"Creation of a separate court in the District of
Columbia to handle domestic relations cases"

District Judge Edward A. Tamm

Will Shafroth, Director of Procedural Studies
and Statistics, Administrative Office of the
United States Courts

3. Discussion of the topic:

"Advisability of legislation to confer authority on
the United States Court of Appeals to regulate ad-
mission to the bar of the District of Columbia"
(See S. 158, 82nd Cong., 1st Sess.)

4. Discussion of the topic:

"Advisability of making Federal Youth Corrections
Act (Pub. No. 865, 81st Cong., 2nd Sess., approved
September 30, 1950) applicable to the District of
Columbia"

5. Consideration of the report of Al. Philip Kane, Esq., Chairman
of the Conference Committee on the Integrated Bar,
and his recommendation that the Committee be con-
tinued, that a Chairman be named, and that the per-
sonnel of the Committee be revamped. (See letter
of Al. Philip Kane, Esq., dated June 9, 1950).

3/9/51

6. Remarks by Circuit Judge Prettyman on:

"The problem created by the fact that juries in rape cases have two functions -- one to return a verdict as to guilt, and the other to fix death sentence vel non. Should not some procedure be established whereby factual data -- which is material to sentence but inadmissible upon guilt or innocence -- may be presented to the jury?"

D i s c u s s i o n .

7. Discussion of proposal to place the United States Commissioner for the District of Columbia on a fixed permanent salary (see H.R. 1041, 82nd Cong.) and to furnish him with secretarial and clerical assistants (see p. 35 H.R. 1042, 82nd Cong.)

8. Discussion of the use of special verdicts in civil cases.

District Judge Alexander Holtzoff

9. Remarks by George Morris Fay, United States Attorney, on:

Caseload and problems of his office.

PROCEEDINGS OF THE OPEN SESSION OF THE
ANNUAL JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT*

Tuesday, March 13, 1951

The Judicial Conference of the District of Columbia Circuit convened in open session at 10:00 A.M., March 13, 1951, in the Courtroom of the United States Court of Appeals.

In the absence of the Honorable Harold M. Stephens, Chief Judge of the Circuit, who was convalescing from a recent illness, Circuit Judge Henry W. Edgerton presided.

The Chair called the Conference to order and announced that the roll call would be dispensed with.

The following judges were present:

Circuit Justice

Fred M. Vinson

Circuit Judges

Henry W. Edgerton
Wilbur K. Miller
E. Barrett Prettyman
James M. Proctor
David L. Bazelon
George T. Washington

District Judges

Bolitha J. Laws, Chief Judge
F. Dickinson Letts
T. Alan Goldsborough
James W. Morris
David A. Pine
Matthew F. McGuire
Henry A. Schweinhaut
Alexander Holtzoff
Richmond B. Keech
Edward M. Curran
Edward A. Tamm
Charles F. McLaughlin
Mrs. Burnita Shelton Matthews
James R. Kirkland
Walter M. Bastian
Jennings Bailey (Retired)

*Held at Washington, D.C., pursuant to the provisions of Sec. 333, Title 28, United States Code.

Circuit Judge Fahy was unable to be present because of illness. Circuit Judge Clark and retired Circuit Judge Groner were unable to be present.

In attendance also were delegates and alternates from the various bar associations, guests, and members of the bar generally.

Circuit Judge Edgerton, after announcing that Chief Judge Stephens was convalescing from a recent illness and therefore was unable to be present, presented Circuit Justice Fred M. Vinson. Circuit Justice Vinson stated that not only was it a pleasure for him to attend the Conference but also that he was attending the Conference as a duty of the Circuit Justice for this Circuit. The Circuit Justice gave a very interesting and stimulating address to the Conference.

At the conclusion of the address of the Circuit Justice, the Chair recognized the Honorable Cody Fowler, President of the American Bar Association, who was in attendance as a guest of the Conference, and requested Mr. Fowler to make a few remarks to the Conference. Mr. Fowler stated that it was a pleasure to him to be present and expressed the wish that the Conference would be a success.

Thereupon Circuit Judge Edgerton turned over the Chair to Chief Judge Laws of the District Court.

1. Chief Judge Laws then introduced Honorable James V. Bennett, Director of the Bureau of Prisons, who addressed the Conference on the topic:

"Advisability of making Federal Youth Corrections Act (Pub. No. 865, 81st Cong., 2nd Sess., approved September 30, 1950) applicable to the District of Columbia."

Mr. Bennett's address is as follows:

CORRECTIONAL SYSTEM FOR THE DISTRICT'S YOUTH OFFENDERS

BY

JAMES V. BENNETT, DIRECTOR, BUREAU OF PRISONS

Since I have been accorded the coveted privilege by your distinguished Chief Justice of discussing with the members of the bench and bar of the District of Columbia some recent legislation looking to bettering our methods of dealing with young offenders it occurred to me I ought in proper legal form to start with a question. If that is in order I should like to ask if there is not a point in the judicial processes where attitudes toward the lawbreaker reach a distinct turning point. The policeman, the prosecuting attorney, the court processes up to the time of conviction look almost exclusively at the offense and pay little attention to the offender. From the time the policeman on the beat lays his hand on the offender to the last words in the judge's charge to the jury is it not true that the theory of retributive punishment was uppermost in dealing with the lawbreaker? At about the point of sentence there is a change, a shifting of viewpoint and approach which is of the utmost importance. From that point on the implications of the particular offense, its bearing on the welfare of society, the character of the individual and what shall be done with him become all important. Judges stand at this dividing line and must play two roles. Here it is that the judge must turn from the law books and court decisions to other skills and sciences. And at that point there must be something of a reorientation of purpose, objective and drive.

Now, of course, what I have been hinting at admits of many exceptions and there are broad shadowlands. But somewhere in our philosophy of

dealing with the wrongdoer a shifting of emphasis occurs. I, for instance, consider it my first duty to execute faithfully and undeviatingly the orders of the court as to the amount of punishment to be exacted for a particular offense. There can be no shifting or softening of that responsibility. But the kind of medicine we administer is left open I hope to some discretion. Indeed I feel sure the courts wish us to try different remedies, techniques and methods in accordance with the needs and responses of particular individuals.

Now that is not easy. My work is dealing largely with the end product of long-operative anti-social processes, with the handicapped, and the mistakes and shortcomings of the home, the school and the church. That makes it, I am sure you realize, a pretty grim and depressing business. It is endurable only because here and there something can be done for the individual and therefore it has certain satisfactions. Also efforts to change warped minds is most challenging.

Incidentally, this past Christmas I had reason to recall one of my challenges. I received a greeting card which I immediately recognized as coming from one of our institutions. At Christmas we permit the inmates to put on their civilian suits, have a picture taken of themselves which they can send home to their family and loved ones. When I opened up my greeting card I saw the picture of a man of about 50 years of age whom I recognized as one of our clients, so to speak. On the opposite page was a message that went something like this:

"Dear Boss:

"Congratulations on completing your 20th year in the Prison Service.

"You and I are now among the longest service men in the System -- you on one side of the table and I on the other. Please call me out to talk over old times. Congratulations and good luck.

Bill."

I well remember this man. I saw him for the first time something over 20 years ago in the Atlanta penitentiary. I had spent some days visiting the institution, going over problems with the Warden and the staff of the institution and was one day sitting in the office of the Deputy Warden watching him mete out punishment for those who violated the institutional regulations. In my naive way I was trying to hint to him how I thought he might do the job better and put into his reprimands and disciplinary actions less of the personal element. I was trying to convince him that good discipline flowed mostly from providing incentives, hearing out the prisoners stories and problems and trying to adjust whatever their difficulties might be. I had just completed what I thought was a very tactful suggestion when the inter-communicating phone rang. The Deputy talked into the phone a minute, said he would be right there, slammed down the receiver and said to me: "Come on, let's see what you would do about this case." We hurried into one of the main cellhouses holding upwards of a thousand men, climbed three flights of stairs and arrived breathlessly in front of a cell which was in a shambles. The bed had been up-ended so as to barricade shut the door.

Water was an inch deep on the floor. The toilet had been stopped-up, the flush valve tied back, the faucets running, and in the midst of all this was a fine looking athletic young fellow of about 19 in his underwear. He was cursing, shouting and yelling back the catcalls that came from other parts of the cellblock. After a few rather direct remarks were exchanged through the bars between the Deputy and this young man the Deputy pointed to me and said: "Here is Mr. Bennett from Washington. He wants to talk to you." Then with an oath this young man lit into me, telling me I was just the no-good so-and-so from the Department of Justice he wanted to see. He then and there started berating me, telling me how he was a victim of a lot of no-good lawyers and courts in language which I can't, of course, repeat here. I couldn't make out what he was talking about other than it seemed he objected to going back to his home town where he might have to face up to another charge that was pending against him. About that time they got the water turned off and the Deputy said, "Come on. Leave him alone. He'll cool off."

When I looked quizzically at the Deputy after we got outside the cellblock he said something to the effect that we didn't need to worry about him because he was going to be discharged within a couple of days. It struck me that that was hardly a sound philosophy. It didn't accord with what I had been led to believe was our primary job--the protection of the public. Here we were apparently turning loose a desperate and embittered young man who was swearing by all that was good and holy that if anyone stopped him when he got out he was going to hold court on the spot. Certainly he didn't seem a safe man to release. We didn't have much in the way of records in those days so when I looked into his file all I could find was his criminal record,

which up to that time had been confined to one case of stealing government money orders. About three or four years afterwards I ran into him again at the Atlanta penitentiary when he came to see me about some "beef", as he phrased it, about his assignment in the institution. Since that time he has been in the penitentiary with only short and brief periods outside doing, as he phrases it, "Life on the installment plan."

Somewhere in this long career we gathered a complete case history on him. This indicated that at about the age of 18 he came to hate his father with a deep and abiding intensity. His father had apparently been a hard task master. He earned a respectable living as a postal clerk. My friend or client, as you please, was a boy of unusually high intelligence. And it didn't take too much of his imagination to decide that the way to get back at his father was to disgrace him by stealing some of the very money orders over which he had custody. He followed this course and in due time went to the Atlanta penitentiary where he continued his rebellious conduct. Incidentally, at that time there were no pre-sentence investigations and I suspect he was committed by a judge who didn't know all the facts. But however that may be, he learned how easy it was to steal money orders, negotiate them and apparently has been doing it ever since. He has been with us on this last hitch about four years. Meanwhile he has seemed to gain some insight into his problems and difficulties from the psychiatrist who has been working with him, has become an excellent accountant and I now look forward with high hopes to his permanent rehabilitation. It has taken a long time and has cost the government a lot of money.

Could we have done better? I think so -- in this case and hundreds of others. It has been cases of this type as well as careful studies by the

American Law Institute of the whole problem of handling youthful offenders that led up to the Youth Correction idea. I am sure that in this presence I need not outline the statistics showing how large a proportion of offenses are committed by young people who have not passed their 22nd birthday. It is very large as you know. Suffice it to say that for the District of Columbia there were 3,338 arrests of young people under the age of 21 for serious felonies during 1949. This is nearly 40% of all the arrests in the felony category in the District of Columbia. Presently there are 240 prisoners in Lorton out of a total population of 1388 who are under the age of 22. In addition, there are about 70 other District of Columbia prisoners in this age group who have been transferred to a federal reformatory. At the present time, in other words, more than 300 young men under the age of 22 are serving sentences for crime convicted in the District of Columbia. That presents a sizeable problem and a considerable challenge. The Youth Act gives much promise as a remedy.

I am sure that Chief Judge Laws who served on a committee appointed by the Chief Justice to study the problem of dealing with young offenders in federal courts can tell you of the many considerations his committee took into account when suggesting the enactment of a Youth Corrections Act for the federal system. Certainly, also, he will have no difficulty in convincing you that traditional methods of handling young men and women have fallen far short of their objectives. He will no doubt point out to you the success of the Borstal system in England in providing special procedures for handling these young offenders. I think he can also convince you as he so ably persuaded the Congress, that for this group of offenders we cannot depend upon an approach basically punitive in nature. Something more than punishment is required to prevent repeaters. It should be remembered that the crucial element in the task

of correcting the offender is time. Attitudes, habits, interests, standards cannot be changed over night. Training in work habits and skills requires a certain amount of time. We can't make a boy into a welder, or a bricklayer, or a printer in six months or even a year. And once the individual has received maximum benefits from an institutional program it is of utmost importance that he be released on trial into the community. He must also be discharged when the job and the home and his whole after-care plan are at the peak, provided, of course, this is consistent with the enforcement of the law.

Rarely does a day go by in one of our institutions for younger offenders without a youth being received whose sentence is far too long or far too short if the institution is to carry out its objective of correctional treatment. Certainly there is no easy way of foretelling just how much medicine a warped mind or an anti-social attitude requires to set it right. That can be determined only by a sort of trial and error process and from observation of skilled persons.

The new Federal Youth Corrections Act soon to be implemented points the way to the solution of some of these problems and places a new tool in the hands of judges. The act is completely discretionary and in no way limits present powers of the courts to sentence a youthful offender. The act defines a youthful offender as an individual 21 years of age and under. The act places at the disposal of the court three important new alternatives: (1) it may commit to the Youth Board, established by the act, a young offender for treatment for an indefinite period up to six years, and for the last two of these years he must be under supervision in the community, or (2) if the court believes the youth requires treatment or supervision (e.g. sex offender) for a period of more than six years, it may commit him for an indefinite period not to exceed the maximum penalty provided for the offense, and (3) if the court is

uncertain as to how he should proceed it may place the youth in the custody of the Attorney General for study, diagnosis and recommendation prior to the imposition of sentence. As I said before, the court may also sentence the offender under, and in accordance with, existing provisions of statute or place him on probation.

Whenever a youth is sentenced under one of the new provisions he will be placed in a classification center where he will be studied intensively by a group of trained specialists. Their reports will be forwarded to our office and we will recommend a program of treatment. That means we will select the type of institution where the offender is to go, the broad outlines of the sort of vocational training he should undertake, what attention should be given to handicaps he may have, and, in a word, map out a plan for his future. Then a member of the Board will interview him and make his recommendations. Under the act we would have authority to put such an individual in a hospital for correction of his physical defects, put him in a mental institution, release him to a foster home or send him to a special school for particular training. Or it could release the offender under supervision to a job or a carefully developed community program. An epileptic, for example, can be given the specialized training he would need to help him overcome his handicap. Or a veteran in need of hospitalization in a Veterans Hospital could be released into custody of the hospital authorities. If time permitted I could recite to you many cases of young men who have come out of this war who have gotten into trouble and are in need of the kind of treatment that might be available in a Veterans Hospital.

Another type of case which can be handled to great advantage under the act is the youthful marijuana and heroin user. As a matter of fact if the

number of young people who use drugs continues to increase we may find it necessary to set aside a special unit in one of our institutions to handle these cases. May I say parenthetically that I too am alarmed about the number of young boys and girls who are turning to drugs for an additional thrill. Sending them to prison will not help. In addition, there occasionally are some offenders within the juvenile court age group who commit such atrocious and heinous offenses that it may not be wise to dispose of the case under Juvenile Court procedures. Whenever in such cases the Juvenile Court waives jurisdiction the District Courts will have authority to commit them for whatever time they think proper to the Youth Correction Division. A recent rape committed by a young boy 16 years of age is an illustration of what I have in mind. If his case is waived by the Juvenile Court he could be sent to the Diagnostic Clinic to be established under the Youth Act. Armed with the findings of the clinic the judge can decide to commit him as a youth offender, give him a long sentence, or in effect authorize his commitment to a training school for treatment as a juvenile delinquent.

It should be remembered, incidentally, that the act makes available for the treatment of these offenders all of the facilities in the Federal penal and correctional system. Necessarily we will have to set aside and adapt certain of our institutions for the purpose of handling these young offenders. Some of them we will find, I have no doubt, are so incorrigible and troublesome that even though they are committed under the Youth Corrections Act will have to go to an adult penitentiary. We cannot rule that out. But most of them, we hope, will be made of such stuff as will permit us to place them in minimum custody institutions, in reformatories, in camps and institutions like the one we are now experimenting with at Dallas, Texas, where the men are almost completely on their honor. Perhaps as time goes on we will be able to

develop other facilities through contracting with state and local agencies for care and treatment of particular cases. A deaf and dumb boy could be sent to a special school; a seriously physically handicapped boy can be sent to a Government or even a private hospital to rectify his deformity if this was a contributing cause to his delinquency. Or, on the other hand, he could be kept under a pretty strict routine if that seemed to be indicated.

Surely there are going to be many young men of the kind who will need to be taught to work and to abide by the rules of society. And the new Youth Board will also have facilities and authority to bring into line the psychopath, the strong-arm boy, the young hoodlum and the unstable. In a word, the act opens up a whole new vista of avenues of treatment, of facilities and specialized methods for making law abiding citizens out of young offenders.

But, unfortunately, this act does not apply to the District of Columbia. At the time the bill was drafted it was thought that since a method of sentencing different from that in Federal courts applied to persons convicted in the District of Columbia and since these cases came under a separate Board of Parole, the District of Columbia should be omitted from the scope of the act. Another reason was the fear that the Youth Board would be overwhelmed with cases if it applied to the District.

On more mature consideration your able Chief Judge has reached the conclusion that this may have been a mistake and has appointed a committee to study the problem. Mr. Leo Rover is a member of the Committee of which Mr. Elwood Davis is Chairman. Mr. Donald Clemmer, your able Director of Corrections, also serves on the Committee. Mr. Davis has asked me to tell you something of the thinking of the Committee of which I also am a member. After giving the matter careful study we have about concluded we should recommend

that the act be made applicable to the District.

We think that without doubt the act should be made applicable to youth offenders convicted in the District of Columbia under any law not applicable exclusively to the District. In other words, all youth offenders who violate a Federal statute generally applicable throughout the United States should unquestionably come within the purview of the act. This will cost the District of Columbia nothing and will be entirely consistent with what's being done in other jurisdictions. This, of course, can be accomplished through a very simple amendment to the act repealing present exemption.

We think that in addition the District of Columbia ought also to be authorized to provide its own facilities for treatment and rehabilitation of young offenders convicted under laws applying only to the District of Columbia. But to do this the District will have to use the Federal facilities and methods for the present just as it is now doing in other cases. In other words, pending the day when the District will have its own integrated system for correctional institutions we think the law should authorize the District Commissioners to contract with the Federal system for the care and treatment of such District code youth offenders as the courts believe are deserving of this treatment. And if they are committed to a Federal agency exactly the same treatment, the same system of parole and after care will apply to them as to any Federal offender.

I hasten to add that this provision will not increase appreciably the amount of money being spent by the District of Columbia for correctional treatment. It must be remembered that the District does not now have facilities for handling all of its own prisoners and more than 500 are presently confined in the Federal correctional institutions. We are receiving currently about \$600,000 per year for boarding in our institutions District prisoners for whom

no facilities are available in the District institutions. For instance, about 165 are in Atlanta, 75 in Chillicothe and even 29 are in Alcatraz. The District of Columbia has also had to depend upon the Federal Government for the care and treatment of all of its juvenile delinquents at the National Training School for Boys. District facilities are crowded to the point where no further commitments of adult offenders can be received. Also the District of Columbia does not have the specialized institutions required to care for certain types of offenders.

I doubt that applying the Youth Act to the District will add much, if anything, to present costs of caring for District prisoners in Federal institutions. Instead, for instance, of sending an old habitual to the Atlanta penitentiary and paying for him at the prorata cost of maintaining a prisoner in that institution he can be kept in the District of Columbia and the money used for a young offender deserving of the treatment that will be available in some Federal reformatory. Under the Youth Act there will be no appreciable increase in the budget of the District of Columbia for this purpose. I dwell on these financial matters at this length because that seems to be the only plausible objection to applying the system to District offenders. But this should not be given too much weight for the reasons stated.

Before concluding I would like to point out one final provision of the act. The act establishes an Advisory Corrections Council to consist of one United States Circuit Judge, two District Judges, and the heads of various agencies and groups charged with responsibilities under the act. In addition, an outstanding private citizen is to be appointed as Chairman of the Corrections Council. The Corrections Council is charged with the responsibility of over-seeing the administration of the act, finding ways and means of improving

the treatment of young offenders, suggesting methods of preventing crime and generally providing the coordination so essential to carrying out both of the roles the Judge must play in the administration of Justice I discussed at the outset. The establishment of an integrating and unifying council to provide liaison between all law enforcing authorities is of far reaching importance and promises to bring about singleness of purpose on the part of the Judicial and Executive Branches. And, incidently, with such an Advisory Council you may be sure that those who administer the act will not work at cross purposes with the courts. It is, I feel, a most healthy provision.

Taken all in all, the act has been hailed by Judges, Lawyers, and workers in the correctional field as one of the most progressive steps ever taken looking to improvement of the administration of the Federal criminal law. Plans are currently underway to organize the facilities necessary to its administration and organize the Advisory Corrections Council established by the act. We expect that the new Board of Parole with its special Youth Correction Division will be appointed and qualified in the very near future. As soon as this has been done the Bureau of Prisons will expect to set aside certain of its institutions and facilities for youth offenders, establish new classification centers and diagnostic clinics. Of course, experience in administering the law will no doubt make necessary changes from time to time. This is no panacea that will solve all the problems of crime control. Yet we believe it to be a most worthy and a lively experiment in dealing with a critical problem. It is my earnest hope that the District will be able to take advantage of this new law and the facilities to be established under its authority. I can think of nothing better calculated to enhance respect for the courts and the

- 14 -

processes of justice, nor is there any better method of carrying forward to successful conclusion the serious concern I know that the lawyers and Judges of this District have for the human values they are anxious to preserve.

At the conclusion of Mr. Bennett's remarks, Chief Judge Laws introduced Leo A. Rover, Esquire, who also addressed the Conference on the above-mentioned topic.

2, Thereupon Chief Judge Laws introduced Jean M. Boardman, Esquire, of the Bar Association of the District of Columbia, who addressed the Conference on the topic:

"Creation of a separate court in the District of Columbia to handle domestic relations cases."

At the conclusion of Mr. Boardman's remarks, Chief Judge Laws introduced Leroy McKinney, Esquire, of the Washington Bar Association, who addressed the Conference on the above-mentioned topic as follows:

"For many years members of the Court and of the District of Columbia Bar have advocated and sought changes in procedure for a more just and expeditious handling of domestic relations cases.

"Domestic relations cases, that is, cases seeking absolute divorces, limited divorces, annulments and maintenance, constitute nearly one-half of the civil actions filed in the United States District Court for the District of Columbia. Of the 9714 actions, including criminal cases, filed or initiated in the United States District Court during the fiscal year ending June 30, 1949, 5362 were civil actions. 2596 of these civil actions were domestic relations cases. During that year 2583 domestic relations cases were disposed of.

"But notwithstanding the large number of domestic

relations cases disposed of during the fiscal year ending June 30, 1949; a large backlog of such cases has accumulated on the calendar of the Court. The trials of contested cases are not held ordinarily until more than a year after these cases were ready for trial. The trials of uncontested domestic relations cases are not held until more than ninety days after the cases were calendared. However, the jurisdiction and the present organization of the United States District Court renders the time of trial of uncontested domestic relations cases decidedly uncertain.

"Prior to 1940, motions for pendente lite relief in domestic relations cases were decided by the Court on affidavits of the parties and statements of counsel. This method of handling such motions was found to be unsatisfactory.

"On October 8, 1940, the United States District Court adopted a Rule creating the Office of the Domestic Relations Commissioner. The function of the Domestic Relations Commissioner is to conduct investigations, when pendente lite relief is requested, and report his findings and recommendations to the Court. It usually requires nearly two months from the time that a motion for such relief is filed until it is considered by the Court.

"In addition, motions for pendente lite relief are heard only one day each week, usually on Friday, by the judge sitting in Motions Court. At that time, many motions, sometimes exceeding fifty in number are set for hearing at 10:00 A.M.,

although under normal circumstances a large number of them are not reached until the afternoon session of Court. This creates an undue hardship on lawyers whose cases would require only a few minutes to dispose of but are near the end of the calendar.

"A proposal to replace the Office of the Domestic Relations Commissioner with a Marital Affairs Counsel, whose office would issue subpoenas for witnesses, conduct investigations, report its findings and recommendations to the Court, collect maintenance and alimony payments, and initiate contempt proceedings against persons who failed to make payments, was rejected last year by many practicing lawyers.

"That briefly is the situation as it exists today. What should be done about it?

"Some lawyers advocate the creation of a Domestic Relations Branch in the United States District Court analogous to the Criminal Branch of said Court. This proposal contemplates the designation of two or more of the present District Court judges to sit and hear only domestic relations cases and motions. This proposal could be effectuated by a Rule of Court.

"Other lawyers feel that the situation would be adequately changed only by the creation of a separate Domestic Relations Court. This brings us to a consideration of the proposed bill to establish the 'Family Relations Court for the District of Columbia.' This bill provides that the proposed Court shall 'have complete and exclusive jurisdiction in all divorce, separation, annulment and maintenance actions and all

collateral issues arising in such actions.' The said Court would consist of three judges appointed for a term of ten years. The Family Affairs Court would be a Court of record and would hold regular sessions throughout the entire calendar year. Decisions of the Family Affairs Court could be appealed to the Municipal Court of Appeals for the District of Columbia as a matter of right. A review of the decision of the Municipal Court of Appeals by the United States Court of Appeals could be sought by petition for an allowance of an appeal.

"The creation of a separate Court to handle domestic relations cases has certain advantages over other suggested changes. Since, under this plan, the trial of domestic relations cases would be held throughout the year, the backlog of such cases should be thereby reduced. The Court would have more time to devote to the consideration of motions for pendente lite relief. In the consideration of these motions, witnesses could be sworn and subjected to cross-examination.

"Regardless of which proposal is adopted, it is felt that uncontested domestic relations cases should be disposed of as soon as possible after they are calendared. The grounds for relief have been enacted by Congress and the time required should not be increased by Rule or practice of Court requiring litigants to wait ninety days after their cases are at issue. A majority of the divorce cases are uncontested. Disposing of

these cases expeditiously would greatly reduce the backlog of cases.

"The creation of a separate Family Affairs Court requires Congressional legislation. That is a time consuming process. Meanwhile the District Court might well assign some motions to be heard in the morning and others in the afternoon. When there are a large number of such motions, some of them should be heard on days other than Friday.

"Domestic relations cases have a social significance which is absent from most other type of cases. The vast majority of persons desire to be enrobed in the cloak of respectability and conventionality. The belated granting of relief in domestic relations cases deprive some of these people of that cloak.

"The only contact a great many persons have with the Courts is in domestic relations cases. Their opinion of the Courts and of the administration of justice is influenced by the handling of their cases. They fail entirely to understand why it takes so long to get the relief they seek.

"It is realized that the United States District Court is required to consider many kinds of cases each year. Some of these cases are of national importance. But because of the importance of the orderly disposition of domestic relations cases, the Washington Bar Association urges the Judicial Conference to approve a proposal for the creation of a separate Court in the District of Columbia to handle domestic relations cases or the creation of a Domestic Relations Branch in the United States

District Court."

At the conclusion of Mr. McKinney's address, Chief Judge Laws introduced Mrs. June L. Green, of the Women's Bar Association of the District of Columbia, who also addressed the Conference on the above-mentioned topic.

Thereupon Chief Judge Laws invited discussion of the topic by those present. Allan Fisher, Esquire, a member of the bar and Director of the Legal Aid Bureau, was recognized and addressed the Conference on the above-mentioned topic. At the conclusion of Mr. Fisher's remarks, Huver I. Brown, Esquire, a member of the bar, was recognized and also addressed the Conference on the above-mentioned topic.

There being no further business before the Conference, the Chair at 12:05 P.M. declared the Conference in recess until 2:00 P.M., March 13, 1951.

JOSEPH W. STEWART,
Secretary of the Judicial Conference
of the District of Columbia Circuit.

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER

E. BARRETT PRETTYMAN

JAMES M. PROCTOR

DAVID L. BAZELON

CHARLES FAHY

GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

March 26, 1951

D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

Honorable Fred M. Vinson
Chief Justice of the United States
Washington, D. C.

My dear Mr. Chief Justice:

I enclose herewith copies of resolutions adopted today by the Judicial Council of the District of Columbia Circuit with reference to

1. Creation of a domestic relations court in the District of Columbia
2. Making the Federal Youth Corrections Act applicable to the District of Columbia
3. Placing the United States Commissioner for the District of Columbia on a permanent fixed salary.

All of the circuit judges voted on the resolutions, except Circuit Judge Clark who was unable to attend the meeting of the Council, and the action of the participating judges was unanimous.

Sincerely yours,

Harold M. Stephens
Chief Judge.

Encl.

Resolution adopted March 26, 1951 by
the Judicial Council of the District
of Columbia Circuit.

RESOLVED, that the Judicial Council of the
District of Columbia Circuit favors the es-
tablishment of a separate domestic relations
court in the District of Columbia.

Resolution adopted March 26, 1951
by the Judicial Council of the
District of Columbia Circuit.

RESOLVED, that it is the sense of the Judicial
Council of the District of Columbia Circuit that
the United States Commissioner for the District
of Columbia should be placed on a permanent fixed
salary and that he should be furnished with adequate
secretarial service.

Resolution adopted March 26, 1951
by the Judicial Council of the
District of Columbia Circuit.

RESOLVED, that the Judicial Council of the
District of Columbia Circuit approves the
proposal to make the Federal Youth Corrections
Act applicable to the District of Columbia,
provided that it does not affect the juris-
diction of the Juvenile Court of the District
of Columbia.

June 10, 1952

Dear Harold:

I hope to be with you at the annual
Judicial Conference of the District of Colum-
bia Circuit on June 24th.

Thank you for writing me.

Sincerely,

(Signed) Fred W. Vinson

Honorable Harold M. Stephens,
Chief Judge,
United States Court of Appeals
for the District of Columbia Circuit,
Washington, D. C.

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
DAVID L. BAZELON
CHARLES FAHY
GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES
D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

June 9, 1952.

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CHAMBERS OF THE
CHIEF JUSTICE

Honorable Fred M. Vinson,
Chief Justice of the United States,
Washington, D.C.

My dear Mr. Chief Justice:

The annual Judicial Conference of the District of Columbia Circuit will be held in the Courtroom in the United States Court of Appeals Building on June 24, 1952. The open session will be held in the morning commencing at 10:00 o'clock, and the executive session will be held in the afternoon, commencing at 2:00 o'clock.

The following topics will be discussed at the open session:

"The new United States Youth Corrections Act recently made applicable to the District of Columbia."

"Adequate personnel for the Courts and for the United States Attorney in the District of Columbia."

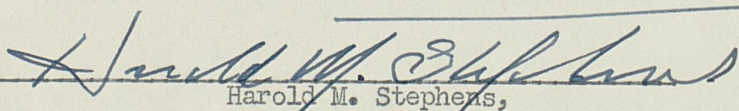
"What steps may be taken to reduce the cost of trials."

The agenda for the executive session has not yet been completed.

I am sure that all the judges would be pleased if you could attend, and especially if you could address the Conference at the opening session. I hope that your duties will permit you to be with us both at the open session and at the executive session.

With kind personal regards, I am,

Sincerely yours,


Harold M. Stephens,
Chief Judge of the District of Columbia Circuit.

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

JOSEPH W. STEWART
CLERK

June 23, 1952

Honorable Fred M. Vinson
Chief Justice of the United States
Washington, D. C.

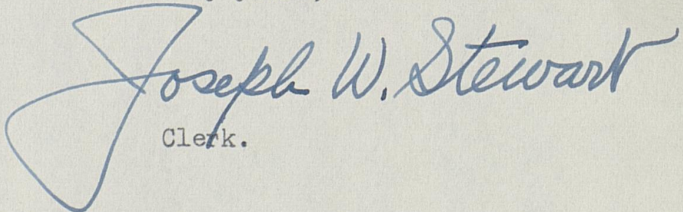
My dear Mr. Chief Justice:

I take pleasure in sending you herewith copies of the programs for the open and executive sessions of the Judicial Conference of the District of Columbia to be held on June 24, 1952.

I also send you copies of the reports of the proceedings at the open and executive sessions of the Judicial Conference of this Circuit on March 13, 1951.

We are all looking forward to seeing you tomorrow.

Sincerely yours,


Clerk.

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CHAMBERS OF THE
CHIEF JUSTICE

CONFIDENTIAL

AGENDA FOR THE EXECUTIVE SESSION OF THE JUDICIAL CONFERENCE
OF THE DISTRICT OF COLUMBIA CIRCUIT TO BE HELD IN THE
COURTROOM OF THE UNITED STATES COURT OF APPEALS AT
2:00 P. M., TUESDAY, JUNE 24, 1952

1. Roll Call.
2. Discussion of the case in the United States District Court for the District of Columbia, entitled "Civil Action No. 4580-51, James R. Allen v. Roman Catholic Church, et al.," with Ross O'Donoghue, Assistant United States Attorney, Holmes Baldrige, Assistant Attorney General, and Edward J. Hickey, Attorney, Department of Justice, who, on behalf of the Department of Justice, are presently representing the judges who have been named as defendants in that case.
3. Approval of report of proceedings of Judicial Conference, 1951.
4. Report on the state of business of the District Court.

Will C. Shafroth, Chief, Division of Procedural
Studies and Statistics, Administrative
Office of the United States Courts.

Harry M. Hull, Clerk of the United States District
Court.
5. Report on the state of business of the Court of Appeals.

Will C. Shafroth.

Joseph W. Stewart, Clerk of the Court of Appeals.
6. Discussion of the topic:

"Operation of cafeteria for public use in new
court house."

7. Reports by Chief Judge Stephens on:

- (a) No. 11,006, Williams v. United States -- lack of facilities in St. Elicabeth's Hospital for prisoners adjudicated insane. Should the Conference adopt a recommendation to the Judicial Conference of the United States with regard thereto?
- (b) Bill for annuities and pensions for widows of federal judges.
- (c) Additional Federal judgeships bill.

8. Report of Committee of the Judicial Conference of the District of Columbia appointed March 31, 1951 (Judges Prettyman, Pine and Holtzoff) on the matter presented in Item 6 of the 1951 agenda of the Conference. Item 6 reads as follows:

"The problem created by the fact that juries in rape cases have two functions -- one to return a verdict as to guilt, and the other to fix death sentence vel non. Should not some procedure be established whereby factual data -- which is material to sentence but inadmissible upon guilt or innocence -- may be presented to the jury?"

P R O G R A M

THIRTEENTH ANNUAL JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT - 1952

In the

Courtroom of the United States Court of Appeals

Tuesday, June 24, 1952

10:00 A.M. Honorable Harold M. Stephens, Chief Judge of the District
 of Columbia Circuit, presiding.

Roll Call.

Remarks by Chief Judge Stephens.

Remarks by Honorable Fred M. Vinson, Chief Justice of the
United States.

Discussion of Topics

Topic 1. "The new United States Youth Corrections Act recently made applicable to the District of Columbia."

Mr. Donald Clemmer
Wilbur La Roe, Jr., Esq.

Topic 2. "Adequate personnel for the Courts and for the United States Attorney in the District of Columbia."

Mr. L. Howell LaMotte
Chief Judge Bolitha J. Laws
George Morris Fay, Esq.

Topic 3. "What steps may be taken to reduce the cost of trials?"

Joseph D. Bulman, Esq.
Joseph C. Waddy, Esq.

12:30 P.M. Recess.

2:00 P.M. Meeting of the Circuit Judges and District Judges in executive session.

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
DAVID L. BAZELON
CHARLES FAHY
GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES
D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

July 1, 1952.

Honorable Fred M. Vinson,
Chief Justice of the United States,
Washington, D. C.

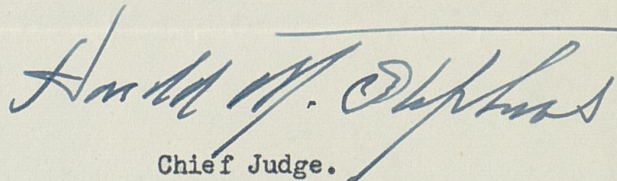
My dear Mr. Chief Justice:

Your coming to our Judicial Conference this year helped materially to make it the success which it appears to have been, judging from the reports which have come to me. The Judges and the Bar in this jurisdiction always look forward to your coming to the Conferences, and I know the Judges regretted that you could not remain for the Executive Session.

Permit me to thank you again for your kind words of praise of my efforts as a member of the Advisory Committee of the Judicial Conference. It is a pleasure to me to be on the Committee and to render such service as I can.

With kind personal regards, I am

Sincerely yours,


Chief Judge.

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

JOSEPH W. STEWART
CLERK

July 8, 1952

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CHAMBERS OF THE
CHIEF JUSTICE

Paul L. Kelley, Esquire
Executive Secretary to the
Chief Justice
Supreme Court of the United States
Washington 13, D. C.

Dear Paul:

I enclose a transcript of the proceedings at the open session of the Judicial Conference of this Circuit held on June 24, 1952. The editor of the Journal of the Bar Association has offered to publish the proceedings in an early issue of the Journal. The Chief Justice's remarks appear on pages 6 to 15, inclusive.

Will you please return the transcript to me with any corrections that may be necessary?

Sincerely yours,

Joseph W. Stewart
Clerk.

Enclosure.

*Corrected & returned
to Mr. Stewart - 8/5/52 -*

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
DAVID L. BAZELON
CHARLES FAHY
GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES
D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

May 21, 1953

Handwritten: "mark up with 130 on 11"

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington 13, D.C.

My dear Mr. Chief Justice:

The annual Judicial Conference of the District of Columbia Circuit will be held in the Ceremonial Courtroom of the new United States Court House on June 11 and 12. The open session will be held in the afternoon of June 11 commencing at 1:30 o'clock, and the executive session will be held in the morning of June 12 commencing at 10 o'clock. The following topics will be discussed at the open session:

- Topic 1. (a) Where available evidence indicates multiple criminal offenses have been committed by the same person, should all the offenses be laid before the grand jury?
- (b) If so, should all resulting indictments and counts thereof be disposed of only upon trials or pleas of guilty?
- (c) Should consecutive sentences always be imposed when a person is convicted of multiple offenses? (Note provisions of H.R. 4315, 83rd Cong.)
- (d) Views as to mandatory minimum sentences.

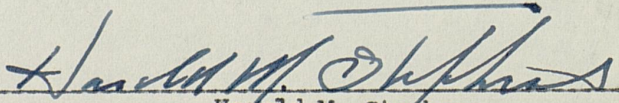
Topic 2. Compensation of Jurors.

The agenda for the executive session has not yet been completed.

I am sure all of the judges would be pleased if you could attend, and especially if you could address the Conference at the open session. I hope that your duties will permit you to be with us both at the open session and at the executive session.

With kind personal regards, I am,

Sincerely yours,


Harold M. Stephens
Chief Judge of the District of Columbia Circuit.

June 1, 1953

Dear Harold:

I hope to be able to attend the open session of the Judicial Conference of the District of Columbia Circuit on June 11th at 1:30 p. m.

Thank you for writing me.

With kind regards,

Sincerely,
(Signed) Fred M. Vinson

Honorable Harold M. Stephens,
Chief Judge,
United States Court of Appeals
for the District of Columbia Circuit,
Washington 1, D. C.

June 4, 1953

Dear Judge:

I am looking forward to attending the dinner being given by the judges for the District of Columbia Circuit on Friday evening, June 12th, at the Woodmont Country Club. Unfortunately, a previous commitment prevents Mrs. Vinson from accepting.

Thank you for writing me.

With kind regards,

Sincerely,

(Signed) Fred M. Vinson

Honorable David L. Bazelon,
Judge,
United States Court of Appeals
for the District of Columbia Circuit,
Washington 1, D. C.

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
DAVID L. BAZELON
CHARLES FAHY
GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES
D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

May 21, 1953

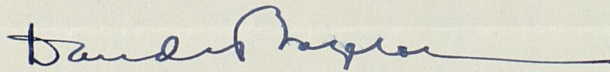
Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington 13, D. C.

My dear Mr. Chief Justice:

On behalf of Chief Judge Stephens of this Court and Chief Judge Laws of the District Court, we cordially invite Mrs. Vinson and yourself to be our guests at the dinner being given by the judges on the evening of June 12th, the last day of the Judicial Conference of this Circuit. The dinner will be held at the Woodmont Country Club on the Rockville Pike at 7:30.

We would all be honored and pleased by the acceptance of Mrs. Vinson and yourself.

Sincerely yours,

*Not Mrs. Vinson
Thank I will
yes*


Chairman, Committee on Arrangements.

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

JOSEPH W. STEWART
CLERK

June 8, 1953

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court
Washington, D. C.

My dear Mr. Chief Justice:

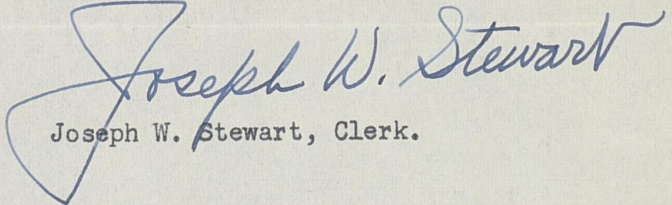
Judge Bazelon has advised me that you will attend the dinner being given by the Judges of the District of Columbia Circuit on Friday evening, June 12th at the Woodmont Country Club and that Mrs. Vinson will be unable to attend.

Judge Bazelon has requested me to tell you that during the afternoon preceding the dinner, the facilities of the Country Club will be available to any judges, as well as their wives, who would like to play golf, bridge, tennis, or use the outdoor swimming pool.

I enclose a copy of the Agenda for the open session of the Conference. The Agenda for the executive session will probably be available tomorrow and a copy will be furnished to you.

With kind personal regards, I am,

Sincerely yours,


Joseph W. Stewart, Clerk.

P R O G R A M

FOURTEENTH ANNUAL JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT - 1953

In the

CEREMONIAL COURTROOM, UNITED STATES COURT HOUSE
3rd and Constitution Avenue, N.W.

Thursday, June 11, 1953

1:30 P.M. Honorable Harold M. Stephens, Chief Judge of the District of Columbia Circuit, Presiding.

Roll Call

Remarks by Honorable Fred M. Vinson, Chief Justice of the United States.

Discussion of Topics

- Topic 1. (a) Where available evidence indicates multiple criminal offenses have been committed by the same person, should all the offenses be laid before the grand jury?
- (b) If so, should all resulting indictments and counts thereof be disposed of only upon trials or pleas of guilty?
- (c) Should consecutive sentences always be imposed when a person is convicted of multiple offenses? (Note provisions of H.R. 4315, 83d Cong.)
- (d) Views as to mandatory minimum sentences.

Discussion Leaders: Charles B. Murray....15 Min.
Edward B. Williams...10 Min.
George E.C. Hayes....10 Min.

Discussion.....30 Min.

Topic 2. Compensation of Jurors.

Discussion Leader: David G. Bress.....20 Min.

Discussion.....15 Min.

4:30 P.M. Reception by Judges to the Bar and guests of the Conference (in Jurors' Lounge, 4th Floor, Room 4214.)

Friday June 12, 1953

10:00 A.M. Meeting of the Circuit and District Judges, in executive session.

UNITED STATES COURT OF APPEALS
WASHINGTON, D. C.

JOSEPH W. STEWART
CLERK

June 9, 1953

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington 13, D.C.

My dear Mr. Chief Justice:

I enclose a copy of the agenda for the
executive session of the Judicial Conference of the
District of Columbia Circuit, to be held on June 12,
1953.

With kind personal regards, I am

Sincerely yours, 12.

Joseph W. Stewart
Joseph W. Stewart, Clerk

C O N F I D E N T I A L

AGENDA FOR THE EXECUTIVE SESSION OF THE JUDICIAL CONFERENCE OF THE DISTRICT OF
COLUMBIA CIRCUIT TO BE HELD IN THE CONFERENCE ROOM IN THE REAR OF THE
CEREMONIAL COURTROOM (Room 6314-D), UNITED STATES COURT
HOUSE AT 10:A.M.

FRIDAY, JUNE 12, 1953

1. Roll Call.

2. Report of the state of business of the District Court.

Will C. Shafroth, Chief, Division of Procedural
Studies and Statistics, Administrative
Office of the United States Courts.

3. Report on the state of business of the Court of Appeals.

Will C. Shafroth.

Joseph W. Stewart, Clerk of the Court of Appeals.

4. (a) Consideration of request by the Court Reporters that they be permitted to present to the Conference a resolution requesting the Circuit Conference to recommend to the Judicial Conference of the United States:

(1) that the Judicial Conference of the United States request Congress to give the Court Reporters the benefit of the various cost-of-living Pay Raise Acts applicable to Government employees, and

(2) that the Judicial Conference of the United States give approval to adjustment of transcript rates.

(b) If the Court Reporters are allowed to present the above-described resolution, a representative of the Administrative Office will make a statement with respect to the most recent action of the Judicial Conference of the United States with reference to Court Reporters and their pay.

5. Report by Chief Judge Stephens on status of bill to increase salaries of Federal Judges.

6. Report by Chief Judge Stephens on status of bill to provide annuities and pensions for widows of Federal Judges.

7. Consideration of S. 14, 83d Congress, a bill to create an Administrative Court of the United States. (Data with respect thereto has been furnished to each judge.)

8. Consideration of the proposal that the Courts of Appeals be permitted to allow an appeal from an interlocutory order of the District Court not otherwise appealable when in the opinion of the Court of Appeals such appeal would probably terminate the litigation or is necessary to the prompt or efficient administration of justice. (Data with respect thereto has been furnished to each judge.)
9. Consideration of H.R. 3977, 83d Congress, a bill to provide that radio station licenses shall be issued for an indefinite term and shall be re-
voked only by the United States District Court for the District of Columbia, with an appeal therefrom to the United States Court of Appeals for the District of Columbia Circuit, and with review by certiorari.
- The bill would also amend Section 402(b) of the Communications Act of 1934 by providing that appeals thereunder from orders of the Federal Communications Commission (which under present law are taken to the United States Court of Appeals for the District of Columbia Circuit) shall be heard by the United States District Court for the District of Columbia, with an appeal from that Court's decision to the United States Court of Appeals for the District of Columbia Circuit, and with review by certiorari. (A copy of the bill has been furnished to each judge.)
10. Consideration of H.R. 4277, 83d Congress, a bill which, inter alia, gives the United States District Court for the District of Columbia exclusive jurisdiction over appeals from orders of the Federal Security Administrator under the Federal Food, Drugs and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 with respect to applications for the registration of a pesticide or with respect to a regulation establishing a tolerance for the pesticide or exempting the pesticide therefrom. (A copy of the bill has been furnished to each judge.)
11. Discussion of proposed rule to hear appeals from the District Court on the original papers in both civil and criminal cases.
12. Consideration of recommendation of Chief Judge Laws that request be made to have Congress authorize three additional District Judges for the District of Columbia.

NOTE: 2:00 P.M. — Outing for Judges and their wives,
Woodmont Country Club.

7:30 P.M. — Dinner for Judges and their wives,
Woodmont Country Club.

UNITED STATES COURT OF APPEALS
WASHINGTON, D. C.

June 10, 1953

JOSEPH W. STEWART
CLERK

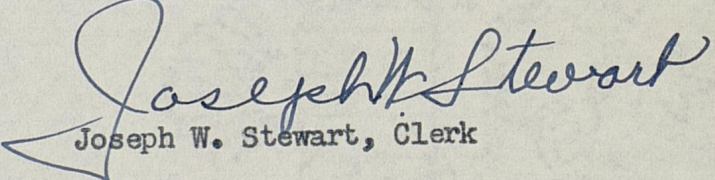
Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington 13, D.C.

My dear Mr. Chief Justice:

I enclose a copy of the supplemental agenda for the
executive session of the Judicial Conference of the District
of Columbia Circuit, to be held on June 12, 1953.

With kind personal regards, I am

Sincerely yours,


Joseph W. Stewart, Clerk

C O N F I D E N T I A L

SUPPLEMENTAL AGENDA

FOR THE EXECUTIVE SESSION OF THE JUDICIAL CONFERENCE OF THE DISTRICT
OF COLUMBIA CIRCUIT TO BE HELD IN THE CONFERENCE ROOM IN THE REAR OF
THE CEREMONIAL COURTROOM (Room 6314-D), UNITED STATES COURT HOUSE AT

10:00 A.M., FRIDAY, JUNE 12, 1953

13. Matter of integrated bar.

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA

WASHINGTON 1, D. C.

JOSEPH W. STEWART
CLERK

July 31, 1953

Mrs. Margaret K. McHugh
Supreme Court of the United States
Washington, D. C.

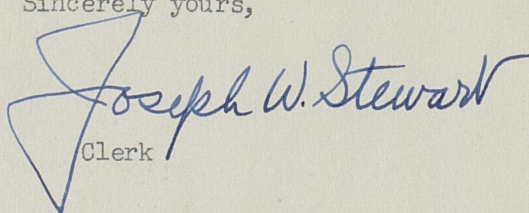
Dear Mrs. McHugh:

I send you herewith the transcript of the Proceedings
before the Judicial Conference of the District of Columbia
Circuit on June 11, 1953, containing the remarks of the
Chief Justice, concerning which I talked with you today.

Will you please return the transcript at your early
convenience.

With kind regards,

Sincerely yours,


Clerk

Enclosure

P R O G R A M

FOURTEENTH ANNUAL JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT - 1953

In the

CEREMONIAL COURTROOM, UNITED STATES COURT HOUSE
3rd and Constitution Avenue, N.W.

Thursday, June 11, 1953

1:30 P.M. Honorable Harold M. Stephens, Chief Judge of the District of Columbia Circuit, Presiding.

Roll Call

Remarks by Honorable Fred M. Vinson, Chief Justice of the United States.

Discussion of Topics

- Topic 1. (a) Where available evidence indicates multiple criminal offenses have been committed by the same person, should all the offenses be laid before the grand jury?
- (b) If so, should all resulting indictments and counts thereof be disposed of only upon trials or pleas of guilty?
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- (d) Views as to mandatory minimum sentences.

Discussion Leaders: Charles B. Murray....15 Min.
Edward B. Williams...10 Min.
George E.C. Hayes....10 Min.

Discussion.....30 Min.

Topic 2. Compensation of Jurors.

Discussion Leader: David G. Bress.....20 Min.

Discussion.....15 Min.

4:30 P.M. Reception by Judges to the Bar and guests of the Conference (in Jurors' Lounge, 4th Floor, Room 4214.)

Friday June 12, 1953

10:00 A.M. Meeting of the Circuit and District Judges, in executive session.

August 4, 1953

Mr. Joseph W. Stewart,
Clerk,
United States Court of Appeals
for the District of Columbia,
Washington 1, D. C.

Dear Mr. Stewart:

The Chief Justice has made the necessary corrections in his remarks at the Judicial Conference of the District of Columbia Circuit, and I am returning the transcript to you herewith.

Thank you for sending the proceedings to us.

Sincerely,

Executive Secretary
to the Chief Justice.