

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
FEDERAL COURTHOUSE
BIRMINGHAM, ALABAMA 35203

CHAMBERS OF
WILLIAM M. ACKER, JR.
JUDGE

January 21, 1991

Judiciary Committee of the
United States Senate
Judiciary Committee of the
United States House of Representatives
Washington, DC

Re: Civil Justice Reform Act

Dear Members of Congress:

Under the newly enacted Civil Justice Reform Act, the chief judge of each district court is required to appoint an advisory group within ninety (90) days after March 1, 1991, to assist in the development of a so-called expense and delay reduction plan. The statute provides that this group must include "attorneys and other persons who are representative of major categories of litigants in such court". Each chief judge may designate a reporter for the group who may be compensated according to guidelines established by the Judicial Conference if implementation funds become available. Each of these advisory groups is required initially to submit a report containing an assessment of its particular court's work load and a recommendation that the court either adopt a model plan or that the group recommend measures, rules and programs that would constitute the court's plan.

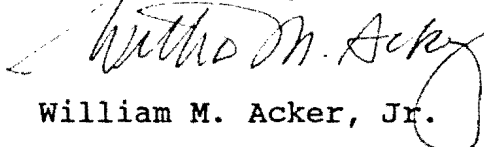
Please permit me to pose what I believe to be a serious question presented by the Thirteenth Amendment which precludes involuntary servitude except as a punishment for crime. It is true, of course, that one of the "major categories of litigants" in our particular court consists of prisoners. In fact, this may be our largest single category of litigants. However, I doubt that this is what Congress had in mind as the only category which can be pressed into service because of its being without the protection of the Thirteenth Amendment. It is of little help that the reporter for the group may be so fortunate as to be compensated, if and when funds become available. What about the other persons to be drafted by each chief judge for this ostensibly important task? Does the chief judge have the power to punish those who refuse to serve in full realization that they would be obligated to a very considerable commitment of time and effort? We summon jurors, of course, but they are paid for their service.

I am glad that I am not a chief judge commanded by Congress to perform a duty of questionable constitutionality. If the district courts attempt to solve the Thirteenth Amendment problem by appointing only "volunteers", we will not be obtaining the fair

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representation which the Congress intended. Instead, we will be getting only eager beavers (called "activists" by the media) or toadies.

Respectfully yours,



William M. Acker, Jr.

WMA/mj

cc: All District Judges in the Northern District of Alabama
All Chief Judges within the Eleventh Circuit
Judicial Conference of the United States
Federal Judges Association