

L. RALPH MECHAM
DIRECTOR

JAMES E. MACKLIN, JR.
DEPUTY DIRECTOR

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

WASHINGTON, D.C. 20544

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MEMORANDUM TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL
CONFERENCE

SUBJECT: Highlights of Legislation Adopted Prior to Adjournment
of the Congress

The final week of the 101st Congress brought with it the successful consummation of a number of legislative initiatives of the Judicial Conference. The following are some of the highlights:

- The Omnibus Judgeship Act of 1990, creates 85 new judgeships -- 11 circuit and 74 district. It also converts 8 temporary judgeships to permanent status and modifies the location of several "rover" judgeships.
- The Civil Justice Reform Act, in its final form substantially accommodates the Judicial Conference. The "mandatory" provisions of the Act relating to the contents of district plans will apply to only 10 districts. The bill as passed has addressed the majority of concerns expressed by the Judicial Conference.
- A series of miscellaneous provisions embracing positions of the Judicial Conference and/or the Federal Courts Study Committee have been adopted. Included are provisions:
 - Amending the Ethics Reform Act to permit senior judges to receive compensation for teaching which will not be treated as outside earned income;
 - Granting the option to the circuits to hold their conferences biennially or annually;
 - Changing the name of magistrates to "magistrate judges";
 - Extending the bankruptcy administrator program for 10 years;

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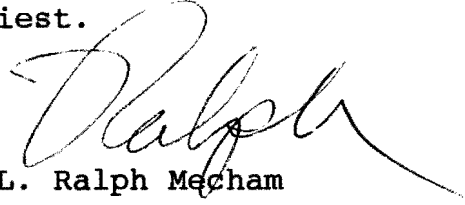
- Placing a four year statute of limitations on all laws lacking a specific statute of limitations which are enacted after the effective date of that provision and which create new causes of action;
- Making numerous Conference supported changes to the venue, removal, and supplemental jurisdiction provisions of present law;
- Amending the Judicial Conduct and Disability Act in a non-objectionable fashion;
- Modifying retroactively the Judicial Survivors' Annuities Act to eliminate the 18-month tenure requirement for eligibility for spousal annuities in cases of death by assassination; and
- Increasing district judge membership on circuit judicial councils. The councils will consist of the chief judge of the circuit, who shall continue to preside, and equal numbers of circuit and district judges as members.

Other matters of interest:

- There was no repeal of the pay increase;
- There was a waiver of "Section 140", thus enabling judicial officers to receive a COLA on January 1, 1991 (no less than 3.6 percent);
- There are no provisions mandating lawyer participation in voir dire;
- The crime bill passed but most of the controversial provisions were deleted including habeas corpus reform, additional death penalty provisions and exclusionary rule modification;
- Legislation authorizing the creation of a new Administrative Office personnel system independent of the Executive Branch was adopted -- this should have a tremendous impact on the AO's ability to meet the future needs of the courts;
- No additional bankruptcy judgeships were approved but Chairman Brooks indicated his intention to take up that issue promptly at the beginning of the next Congress;

- The Judicial Branch appropriations will increase 15 percent over last year -- this represents a 5 percent cut from our request. Including revenues from all sources, the Judicial Branch budget will just exceed \$2 billion; and
- The lump sum provision for retiring federal employees will be suspended for five years. With a few exceptions, any federal employee who wishes to elect the 50/50 lump sum option and a reduced annuity must separate from service no later than November 30, 1990.

The above is only a summary of some of the major issues affecting the Judiciary that were concluded within the past week. As further details become available, I shall keep you informed. We don't expect the text of the various bills to be available until November 1, 1990, at the earliest.



L. Ralph Mecham