

The Third Branch

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A Bulletin of the Federal Courts



Vol. 2, No. 1, March 1970

Seminars Highlight Activities at FJC

Innovations Mark District Judges Seminar

The Ninth Seminar for Newly Appointed District Judges was held at the Center January 23-31, 1970. Thirty-two participants attended, including an "observer", His Excellency Ricardo Galvez, from Santiago, Chile.

Curriculum Varied

For nine days the student judges and discussion leaders investigated in depth the role of the trial judge on the bench and off. Among the major topics discussed were: pretrial procedures, the omnibus hearing, trial, bail, sentencing, post conviction remedies, multidistrict litigation, and the three-judge court. In addition, the related topics of judicial ethics, circuit-district court relations and the Magistrates Act were covered. The most current and controversial topic considered was the handling of the difficult defendant. The discussion was led by Chief Judge Frank W. Wilson of Tennessee, Judge Edwin A. Robson of Chicago and Judge Lloyd E. MacMahon of New York. The discussion, which lasted an entire afternoon, concentrated on developing methods to handle attempts to avoid trial, streamlining the case itself, and preparing in advance for possible trouble during trial. This discussion provoked the liveliest dialogue at the seminar as to the best method and technique to handle the problems that arise. However, there was general agreement that although a case may have its own unique difficulties, there are certain steps that can be taken to insure the proper administration of justice.

In order to give the judges an opportunity to hear special presentations on substantive law, the Director initiated a program of "electives" which the participants had selected themselves. These included lectures on Admiralty by Judge John F. Dooling, Jr.; Patent-Copyright by Judge Giles S. Rich; and Antitrust by Judge Gerhard Gessel.

So that the judges might initially become acquainted with their brethren, a reception for the judges and their ladies was held on the first evening at the Dolley Madison House, with The Chief Justice and Mrs. Burger also in attendance. On the following Monday evening the group enjoyed a buffet served in the Thomas Jefferson Room of the State Department.

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Circuit Judges Attend Seminars

Two identical seminars for appellate judges, including those from the U.S. Courts of Appeals, the Court of Claims and the Court of Customs and Patent Appeals, were held in February. It was a "first" for the Circuit Judges, no such seminar ever having been held previously, and the total number attending represented half of the active judges from these courts. The seminars, which were held Feb. 19-21 and 26-28, at the Center, had a basic theme of administration and organization of the courts. Topics discussed included the right of appeal, handling pro se appeals, the function of the presiding judge, control of the docket, disposition of appeals, opinion writing, administration of the courts, use of law clerks, circuit-district court relations and the function of the Judicial Council. In each case the emphasis was placed on the most efficient method that could be used to expedite the appeal. The Circuit Court faculty included representatives from the clerks' offices, the bar, and the academic community, which allowed for a wide divergence in point of view and permitted greater exploration into the various problems that are confronting the federal circuit courts today.

As an added attraction, there were guest speakers at the two luncheons held during each seminar. At the first session, James S. Campbell, who served as General Counsel to the Eisenhower Commission on Violence, spoke to the judges on the subject of "Violent Crime and Criminal Justice." At the second luncheon of both seminars, attended by both the judges and their wives, the guest speaker was former Director of the Office for Civil Rights at HEW, Leon E. Panetta. His talk primarily covered the problems of civil rights in the educational field. At the second seminar, Lloyd N. Cutler, Executive Director of the National Commission on the Causes and Prevention of Violence, spoke on various proposals to strengthen criminal justice.

Receptions

On the first evening of both seminars a reception was held. The first week it was at the Dolley Madison House, with Mr. Justice Clark and Mrs. Clark as hosts. The second week Judge and Mrs. Harold Leventhal hosted a reception for the judges at their home. Among the invited guests present were

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PARTICIPANTS AT JANUARY 23-31 DISTRICT JUDGES' SEMINAR



Front Row (Left to Right): Hunter, J., Latchum, J., Levin, J., McMillan, J., Mr. Justice Clark, Murrah, C. J., Barlow, J., Arraj, C. J., Stephenson, C. J.
Standing (Left to Right): Hannum, J., Waddy, J., Eubanks, J., Bownes, J., Travia, J., Lasker, J., Parker, J., Judd, J., Henderson, J., Middlebrooks, J., Murray, J., McFadden, J., Green, J., Garza, J., Nixon, J., Widener, J., Smith, J., Battin, J., Williams, J., Real, J., Herman, J., Goodwin, J., Christian, J., Galvez, Excmo. Sr., Gasch, J., Wilkins, J., Pratt, J., Crary, J.

NINTH DISTRICT SEMINAR (*Continued from p. 1*)

On the last evening a banquet honoring the judges and their ladies was held at the Supreme Court. Attending this were members of the Supreme Court, faculty-judges, and Administrative Office and FJC staff. It was of significant interest that Chief Justice Warren, the Center's first Board Chairman, and Mr. Justice Reed who chaired the special ad hoc committee which recommended the creation of the Center were both in attendance.

The Ladies

While the District Judges were occupied with the seminar sessions, the ladies were busy seeing Washington and the surrounding country. On Monday, they spent a full morning on Capitol Hill, first visiting the Supreme Court to sit in on a session, and to meet the Chief Justice. This was followed by a visit to the Capitol, where the ladies were admitted by special passes to the visitors' gallery of the House and the Senate.

On Tuesday, special arrangements were made to admit the ladies to the South Lawn of the White House where they witnessed a meeting between President Nixon and Prime

Minister Wilson. "We were close enough to reach out and touch them!" exclaimed Mrs. Orrin Judd, wife of Judge Orrin Judd of Brooklyn.

A trip to Virginia highlighted Wednesday. The ladies were driven to Arlington Cemetery where they visited the Lee Mansion, the Kennedy gravesites and the Tomb of the Unknown Soldier. From there they journeyed to Mount Vernon where they had lunch and inspected the mansion. Fortunately the weather held during the week and these trips were made under clear skies.

Thursday found the ladies "back on the bus" and touring Embassy Row, Washington Cathedral and eventually arriving at the home of Mrs. Oliver Gasch who entertained the ladies with a harp recital and tea. This particular afternoon was enjoyed by all who were guests of their gracious hostess, who, under the name of Sylvia Meyer, performs as harpist with the National Symphony Orchestra.

The Federal Judicial Center owes a debt of gratitude to the hostesses who volunteered their time and services to make the visiting ladies welcome. Under the chairmanship of Mrs. Oliver Gasch, the following volunteers served ably as hostesses: Mrs. Roger Robb, Mrs. William Jones, Mrs. M.F. Ryan, Jr., Mrs. William Bryant, Mrs. Robert Barnard and Mrs. A. M. Sellers.

JUDGES AT FEBRUARY 19-21 CIRCUIT JUDGES' SEMINAR



Left to Right:

Front Row: Kerner, J., Celebrezze, J., Coffin, J., Justice Clark, Hufstедler, J., Murrah, C.J., Dyer, J., Ingraham, J., Baldwin, J.

Back Row: Rich, J., Seitz, J., Robinson, J., Lumbard, C.J., Feinberg, J., Hamley, J., Bell, J., Goldberg, J., Coleman, J., Bright, J., Clark, J., Gibbons, J., Ainsworth, J., Adams, J., Craven, J., Combs, J., Cummings, J., Heaney, J., Hickey, J., Skelton, J., Aldisert, J., Nichols, J., Robb, J., Bryan, J., MacKinnon, J., Peck, J.

Work Measurement Study Completed

“The essential similarity necessary to develop uniform work measurement standards does not exist in the United States Courts.” This was the major finding of the study recently conducted by the National Archives and Records Service, for the Center, of clerks’ offices in district and circuit courts, including 16 district courts. The primary objective of the study was to determine the feasibility of establishing a series of work standards for measuring and quantifying the clerical work performed by the clerks of the court. A secondary objective was to recommend improvements in current office methods and procedures.

WIDE VARIATION

The NARS group found wide variations among courts in the overall average clerical processing time for all types of cases. The degree of variation on all activities was reflected in a difference of more than 400 per cent among the courts studied in the average clerical time per case for civil cases and a difference of 500 per cent in the average clerical time per case for criminal cases. The NARS analysts also found differences of more than 260 per cent in the time required for processing bankruptcy cases. The report emphasizes that these differences are not principally due to differing levels of employees’

efficiency. Instead, major procedural differences were primary contributors to the time differences. One type of procedural variation which substantially affected processing time concerned the amount of work done by the court for attorneys and the amount of work done by attorneys for the court.

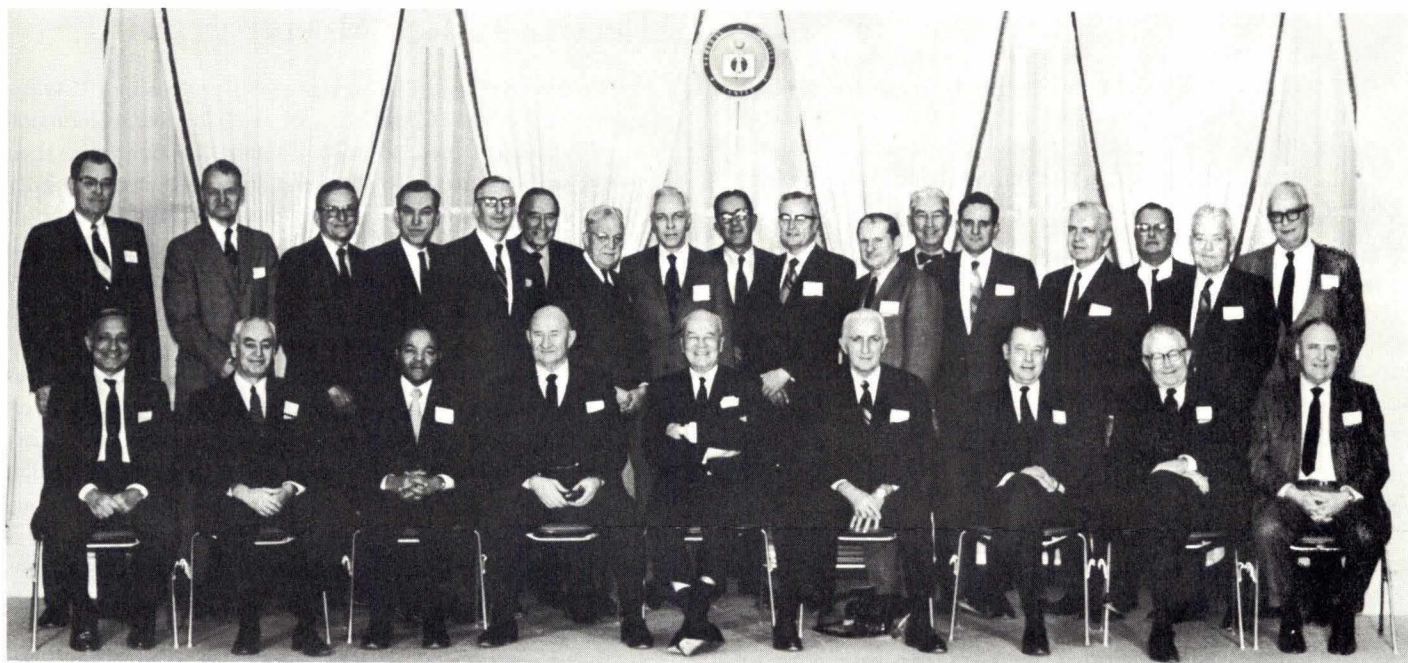
RECOMMENDATIONS

As a result of these findings, the NARS group concluded that realistic work standards could not be developed as a part of the study. However, enough data was obtained to be able to demonstrate that a system of clerical work measurement and standards is feasible and can be applied in the management of the United States Courts, if steps are taken to effect a reasonable degree of uniformity in the performance of clerical functions. The study further emphasized the need for a centrally coordinated effort to develop and apply common court management practices and uniform clerical procedures.

Six specific recommendations were made as a result of the study. These were:

A. Develop uniform clerical procedures and develop work standards based on these procedures.

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Left to Right

Seated: Leventhal, J., Hamley, J., McCree, J., Kilkenny, J., Carter, J., Phillips, C. J., Cowen, C. J., Thornberry, J., Gibson, J.

Standing: Wright, J., Brooks, J., Trask, J., Van Dusen, J., Butzner, J., Murrah, C. J., Bryan, J., Winter, J., Bell, J., Fairchild, J., Lay, J., Mr. Justice Clark, Godbold, J., Lane, J., Morgan, J., McEntee, J., Simpson, J.

Customs Court Bill Passes Senate

The Customs Court Bill which was developed through the concerted efforts of the Center, the Justice Department and the Treasury Department, has passed the Senate and is currently in the House Judiciary Committee. The Bill, as finally passed by the Senate, had been extensively reviewed by a Center-formed committee, which exchanged information among the agencies involved, the Customs Court, and the importer organizations as well. In a statement prepared for the House Judiciary Committee, Mr. Justice Clark emphasized the need of reform in the Customs Court, pointing out the various outmoded requirements that the law has imposed on that Court. The Director expressed the hope that the Act will provide the vehicle that will dislodge the statutory encumbrances on the Customs Court.

Chief Judge Paul P. Rao of the Customs Court in New York appeared before the House Committee on behalf of the Bill and in his testimony stated, "We believe that this legislation will substantially reduce the number of cases brought before the Customs Court and it will also expedite the disposition of such cases as are pending before it."

In view of the fact that this Bill has been in existence in various forms since December, 1968, and the caseload in the Customs Court is getting heavier by the day, it is hoped that expeditious action will be taken by the House Committee.

Louisiana Eastern Pilot Computer System

A computer master file for all pending civil cases in the New Orleans Division of the Eastern District of Louisiana has been developed. Two major activities are now being undertaken with respect to this system. First, all information is being completely audited in order to purify the data and assure that the information in the computer file is an accurate representation of the court records. This is a standard step in the development of any computer system and to some extent is a continuing activity in any type of system. Second, will be the preparation of several experimental reports and a determination of any additional reports which can be used by judges for judicial administration purposes. Once these requirements have been specified and steps taken to prepare computer output which is responsive to specific court needs, the system will be ready to be moved into an operational phase for selected activities. However, it is expected that further development efforts will be necessary over an extended period of time in order to continue to improve system operations and to develop outputs which will not only assist court management, but will lead to reduced clerical activity for some aspects of case processing.

WORK MEASUREMENT (Continued from p. 3)

B. Establish courtroom service units in each clerk's office. (This unit would be responsible for an assigned group of cases and for an assigned number of judges. For example, in a court having nine judges there might be three courtroom service units which would support three judges each.)

C. Establish a public service unit to handle all inquiries directed to the clerk's office. (The passport and naturalization unit would be part of this unit.)

D. Establish an administrative services unit.

E. Develop and implement simplified bankruptcy procedures. (In this respect the study noted procedures used in processing bankruptcy cases are primarily suited to a low volume paperwork operation and that new methods and procedures suitable to high volume paperwork processing should be developed for use in those courts with large caseloads.)

F. Implement existing guidelines for disposition of court records. (The study noted a large volume of inactive records in some courts studied and a failure to follow the guidelines given in the Clerk's Manual.)

The report suggested that the next step should be to develop and install a model court administrative system in the clerk's office of a selected District Court. After such a system is developed, tested, and proven to be operationally effective in one court, it could then be implemented in other courts. At the invitation of Chief Judge Harris and in pursuance of this suggestion, the Northern District of California has been selected as the initial court in which to develop and install the model system under the sponsorship of the Federal Judicial Center. On February 10, the Director of the Center and the members of the NARS team met with all the judges of this court to initiate the project. Judge Jas. Battin, Dist. of Montana, is also cooperating with NARS.

Ernest Friesen to Direct Institute for Court Management

On February 27th the Chief Justice announced the resignation of Ernest C. Friesen, as Director of the Administrative Office of United States Courts. At the same time it was announced that Mr. Friesen would become the Executive Director of the newly-founded Institute for Court Management. His resignation became effective Feb. 28th.

Establishment of the Institute is a direct result of the Chief Justice's recommendation made in a speech at the time of the annual meeting of the American Bar Association last August. This comprehensive program for the training of a corps of skilled court administrators will be sponsored jointly by the ABA, the American Judicature Society and the Institute of Judicial Administration. The Institute will be operating at the University of Denver and will offer intensive six month courses in class work and field experience to classes of 20 to 25 trainees, with the aim of providing court

Coordinating Committee for Effective Justice Meets

At the conclusion of its three-year project in 1964, the members of the Joint Committee for the Effective Administration of Justice signed a pact agreeing to continue their meetings with a view to exchanging information and jointly planning programs aimed at better judicial administration.

At the annual meeting of the American Bar Association last August, Mr. Justice Clark met with representatives of major organizations functioning in the legal profession to discuss the purposes previously enunciated, and so that concrete plans could be projected. The discussions at this Dallas gathering disclosed that the members unanimously felt such meetings were necessary and helpful in making each other aware of what is being done in all areas of the law. Examples cited were research, programming, lectures, government planning, and funding. It was also the consensus of the group that much was to be gained by coordinating their efforts, thus avoiding overlapping or duplication of efforts and needless expenditures of money.

Following through with the resolution of the group, Mr. Justice Clark consulted with Chief Justice Burger and called a meeting in Washington on January 10, 1970. Some 15 organizations and 30 individuals gathered at the Supreme Court on this date and heard an endorsement of their purposes by the Chief Justice, who commended them for their efforts to raise to an even higher level our system of jurisprudence.

At the conclusion of the meeting it was agreed that Mr. Justice Clark would appoint a five-man Steering Committee so that some type of central organization or clearinghouse could function for the group. The Steering Committee membership has now been announced and includes Mr. Ernest C. Friesen, Jr., Judge Laurance Hyde, Jr., Dean of the National College of State Trial Judges; Delmar Karlen of the Institute of Judicial Administration; Milton Rector of the National Council on Crime and Delinquency; and Glenn Winters of the American Judicature Society.

executives who can manage and direct the judiciary machinery, and thus permit judges to concentrate on their primary professional duty of judging. The first class of 20 to 25 trainees will be entrolled next June.

The Chief Justice, in accepting Mr. Friesen's resignation, said: "The critical importance of training court executives must have priority over any single demand, and I accept the resignation because of this new demand. I regret his departure from the Administrative Office but, in the long run, the entire judiciary will gain from his transfer to the Institute for Court Management."

SUGGESTION BOX

Chief Judge Roy L. Stephenson of Iowa and Judge Gus Solomon of Oregon have both received favorable comment from their local newspapers for the manner in which they handle conscientious objectors. In each instance, the Judge was confronted with Jehovah's Witnesses who were indicted for draft violations. In each case the Judge convinced those indicted that assuming public service jobs would not violate their religious convictions. Since the court is an authority they recognize whereas they do not recognize such authority in the draft boards a six-months' count in Judge Solomon's court showed the percentage of J.W.'s imprisoned down 19%.

United States Magistrate Gilbert R. Swink of Norfolk, Virginia is now requiring F.B.I. agents to produce a copy of the state warrant on an individual, when the Magistrate is issuing a flight to avoid prosecution complaint and warrant under 18 U.S.C. 1073. This prevents the situation that could enable the individual charged to walk out free should the state warrant not be on hand and the federal charge is dismissed.

F. J. C. CALENDAR

March

- 14 Federal Judicial Center Board Meeting
At the Center
- 14 Judge's Bench Book Committee Meeting
At the Center
- 16-17 Judicial Conference of the United States
At the Supreme Court
- 18 Meeting of Circuit Chief Judges
At the Center

April

- 23-26 National Association of United States
Commissioners Convention, Corpus
Christi, Texas

May

- 7-9 Seminar for United States Magistrates
At the Center

COURT MANAGEMENT CONSULTANT JOINS CENTER STAFF

Mr. Harvey Solomon has joined the staff of the Federal Judicial Center as an assistant to Mr. Joseph Ebersole, Director of Innovation and Systems Development.

Prior to joining the Center, Mr. Solomon was a staff consultant on the Court Management Study in Washington, D.C. This study began in June 1968 and examined the operations of both the Federal and local courts in Washington. Its final report is due for release in the near future.

From September 1967 to June 1968, Mr. Solomon studied public administration at Harvard's Kennedy School of Government under a Littauer Fellowship. Prior to that time he was a trial attorney with the Civil Aeronautics Board.

Mr. Solomon received an LL.B. from Harvard Law School in 1958 and a B.A. from Columbia College in 1955.

CIRCUIT JUDGES (Continued from p. 1)

the Chief Justice and Mrs. Burger. A tea honoring Mrs. Burger was held at the home of Mrs. David L. Bazelon, wife of the Chief Judge of the D.C. Circuit, topped off two busy days for the ladies, which included a visit to the White House and viewing of the Andrew Wyeth collection, a special tour of the National Gallery of Art, and a visit to the Supreme Court. A hostess committee chaired by Mrs. Bazelon and consisting of the D.C. Circuit Court Judges' wives, helped to make the visiting wives most welcome.

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THE THIRD BRANCH

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THE FEDERAL JUDICIAL CENTER

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MAJOR APPOINTMENTS ANNOUNCED

Mr. Justice Blackmun Takes Oath

On June 9, 1970, Judge Harry A. Blackmun of the United States Court of Appeals for the Eighth Circuit, took the oath of office as Associate Justice of the Supreme Court of the United States, the 98th to be appointed to the nation's highest court. The combined constitutional and judicial oath was administered by Chief Justice Burger before a crowded courtroom audience, which included high ranking officials,

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Judge Alfred P. Murrah New Director of Center



Oct 27, 1974

On May 1, 1970, Judge Alfred P. Murrah became the Federal Judicial Center's second Director, succeeding Mr. Justice Tom C. Clark, who resigned last September, having reached the statutory age limit prescribed for the Director.

Judge Murrah brings to the Center a rich experience on both the trial and circuit courts. With a total of 33 years on the bench, he is the senior judge in the federal judiciary in the

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Kirks, Seaver Appointed

Two key positions within the Federal Judiciary were filled on Monday, June 8, 1970 when E. Robert Seaver and Rowland F. Kirks, veteran lawyers with distinguished records in both private practice and public service, were named Clerk of the United States Supreme Court and Director of the Administrative Office of the U.S. Courts respectively. Both positions are filled by vote of the Justices.

Mr. Seaver, 54, has been a Federal Hearing Examiner for the past eight years and is a Government attorney of wide

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Mr. Kirks



Mr. Seaver

members of the bar, and judges who had recently occupied seats on that bench: Chief Justice Warren, Mr. Justice Reed, and Mr. Justice Clark. Mr. Justice Blackmun's family, including his mother, Mrs. C. M. Blackmun, were also in attendance to observe the solemn ceremony of induction.

Following long-standing tradition, the latest appointee to this august body took his place at the Clerk's desk to await the arrival of the court. After announcing the special session, the Chief Justice recognized Attorney General Mitchell, who stated he had the Presidential Commission which contained the signature of the President of the United States and the approval of the United States Senate. The Commission was then handed to a page boy who delivered it to the Clerk of the Court, John F. Davis, who in turn read it aloud. Justice Blackmun was then escorted to the center of the bench where the Chief Justice administered the oath, shook his hand, and extended a word of welcome. Again following tradition which accompanies this ceremony, the Marshal of the Court, T. Perry Lippitt, escorted the Justice to his seat on the bench. This closed the session of the Court.

Following the session, a receiving line formed in the West Conference Room which included Chief Justice and Mrs. Burger, Chief Justice and Mrs. Warren, Mr. Justice Blackmun and Mrs. Blackmun and members of their family. It was the culmination of a very full morning for the new Justice, and a happy occasion which afforded the many friends of the new appointee to file by and wish him well.

Mr. Justice Blackmun is a native of Illinois, but has lived in Minnesota since 1941. He is a graduate of Harvard Law School (1932) and court work started immediately with a clerkship with Judge John D. Sanborn of the Eighth Circuit. He has a background of extensive law practice, teaching, and service on the Eighth Circuit which eminently qualifies him for his new position and which brought forth the unanimous approval of the Senate.

Justice Blackmun is well known at the Federal Judicial Center, having served for the past two years as Chairman of the Center's Advisory Committee on Research.

District Court Clerks Seminar

The first of three 1970 District Court Clerks Seminars was held at the Center on June 18, 19 and 20. Thirty of the 93 District Court Clerks participated, with the remaining number scheduled to attend one of the two seminars planned for the Fall.

The seminar theme was "The Clerk's Role as Manager of Court Supporting Operations," with emphasis on such key topics as (1) Organizational Structure, Functions, and Management of a Clerk's Office; (2) Personnel Procedures and Training; (3) The Clerk's Role as Manager Within the Context of Rules, Orders and Statutes; and (4) the Clerk's Role in Calendar Management. The program included lectures, discussion, and question and answer periods.

Chief Judge Frank Wilson of the Eastern District of Tennessee spoke on "Juror Selection and Utilization" at the luncheon on Thursday, June 18th. "The Individual Assignment System" and "The Support Required from the Clerk's Office for Good Court Management" were the subjects of a speech by Chief Judge Edwin Robson of the Northern District of Illinois, at the luncheon on Friday, June 19th.

Mr. Justice Tom C. Clark hosted a dinner for the Clerks at the Supreme Court on Friday evening, June 19, where both he and Judge Murrah were honored with an eloquent expression of appreciation from Mr. Richard Peck, Clerk for the District of Nebraska, who spoke for the group.

Discussion leaders for the seminar included Angelo W. Locascio, District of New Jersey, Wallace J. Furstenau, District of Arizona, Benjamin W. Reisch, Eastern District of Louisiana, Gilbert C. Earl, District of Connecticut, John J. Harding, Eastern District of Pennsylvania, Miller C. Foster, Jr., District of South Carolina, William L. Whittaker, Tenth Circuit Court of Appeals, Elbert A. Wagner, Jr., Northern District of Illinois, Herman A. Smith, Middle District of North Carolina, Claude L. Goza, Northern District of Georgia, Lewis Orgel, Eastern District of New York, Ronald E. Longstaff, Southern District of Iowa, W. Farley Powers, Jr., Eastern District of Virginia, Charles W. Cahill, District of Kansas, and Howard T. Ziel, Western District of Michigan.

National Council on Crime and Delinquency Meets at FJC

The National Executive Advisory Committee of the National Council on Crime and Delinquency recently held two meetings at the Center. At each, 30 of the nation's top businessmen and industrialists attended the conference to discuss crime prevention.

Carl M. Loeb, President of the NCCD, presided over the one-day planning conferences. The first meeting was attended by Attorney General John Mitchell. Speakers at the second conference included Judge Alfred P. Murrah, Director of the Federal Judicial Center, Ralph Salerno, Author and Consultant on Organized Crime, and Lloyd Cutler, former Executive Director of the National Committee on the Causes and

Prevention of Violence. The group also heard an address by Don Santarelli, the Associate Deputy Attorney General for Criminal Justice.

The speeches and discussion covered a wide range of topics: the causes of crime; the need for penal reform and judicial modernization; the problems of organized crime and street crime; and the difficulties faced by ex-convicts in finding employment after release. The participants also discussed possible solutions to the present problems and considered how modern management techniques and business equipment could be applied to improve the judicial machinery.

First Magistrates Section Held at Center

A two and one-half day seminar for United States Magistrates was held at the Federal Judicial Center beginning April 30th. The meeting was attended by 29 participants, including Magistrates, Clerks, and a number of interested observers.

The Magistrates Act creating these positions was passed in 1968 and there are now 29 U.S. Magistrates in office. As additional appointments warrant it, further seminars will be scheduled at the Center.

A variety of subjects of special concern to the Magistrates were discussed, including warrants and arrest, bail and commitment, preliminary hearing, trial of the minor offense, omnibus hearing, service as a special master, screening prisoner petitions, and pretrial and discovery.

The seminar began with an introduction and welcome by Judge Alfred P. Murrah of the Tenth Circuit Court of Appeals, and Judge William E. Doyle of the District of Colorado. Judge Doyle is Chairman of the Judicial Conference Committee to Implement the Magistrates Act. Luncheon speakers were Chief Judge Walter J. Hoffman of the Eastern District of Virginia, and Judge Tim Murphy of the District of Columbia Court of General Sessions.



Magistrate Seminar speakers: Judge Wm. E. Doyle, Judge Tim Murphy, Judge Alfred P. Murrah

A number of social events were planned for the participants and their wives, including a dinner at the National Lawyers Club and a tour of the White House and Capitol Hill area for the ladies.

Weighted Caseload Data Collection Completed

The data collection phase of the weighted caseload study has been completed. More than 240 judges participated in the study by keeping time records of their bench and chambers activities as well as outside professional activities such as bar association committee work, etc. The period covered was October 11, 1969 through February 28, 1970. This cooperation by the federal judges has created the richest store of information ever assembled about the burden imposed by various kinds of cases and the time requirements of the various responsibilities of federal judges.

ANALYSES BEGUN

All the information has now been coded, keypunched, and entered into the computer. Preliminary analyses have begun. The first major task of the analysis will be to determine the validity of the weighted caseload formula now in use in the light of current activities of federal judges. Modifications in the weighted caseload formula will be made as indicated by that analysis.

The second major analytical task will be to develop other, possibly more refined, ways of measuring the work

burden imposed by various case mixes in the dockets of the federal courts. The study will also seek to correlate types of activity with kinds of cases. This will enable the judiciary to evaluate the impact of future changes in rules and procedure.

It is, of course, too early for any substantial analytical results from the study. A few items may, however, serve to whet the interest of those who have participated, and to confirm or rebut individual notions. The reports reflect the utilization of 140,000 hours of time. Of that total, 103,000 hours were devoted to case related activities; 36,000 hours to non-case related activities. Roughly 60 percent of all this time was devoted to work performed in chambers and 40 percent to work performed on the bench. These totals are, of course, comprised of widely varying figures representing the ingredients of the total. Nearly 70 percent of the time devoted to criminal cases is bench time, 30 percent spent in chambers. Practically the reverse is true in civil cases.

The study is moving forward according to schedule. Reports will be made to the Judicial Conference, the Administrative Office, and to the Judiciary as items of importance develop.

Library Study Underway

The Judicial Conference of the United States, at its September 1968 meeting, asked the Federal Judicial Center, in cooperation with the Committee on Court Administration and the Administrative Office of the United States Courts, to consider the undertaking of a complete study of court libraries. The Administrative Office has begun computerization of its records on the holdings of the various libraries of the Federal courts and the chambers libraries of individual judges. This will enable the Administrative Office to identify and print out a list of all holders of any volume or work as required, and will be of obvious advantage in ordering and delivering updating supplements, pocket parts and replacement volumes.

The Center has now retained a law librarian, Mrs. Elizabeth Cubberley, to serve as a consultant to develop a list of suggested holdings for a Model Central Circuit Court Library and to delineate the qualifications required for a librarian in such a model library. During June, Mrs. Cubberley visited the courts in the Second, Third and Sixth Circuits, and will visit the remaining circuits during July and August.

Settlement Conference Held at FJC

District Judge Thomas D. Lambros, Northern District of Ohio, has initiated a "first" for the FJC's Conference Room. In late March, when it appeared during trial of *U.S. v. Roadway Express* that a settlement might be possible, the Judge recessed the trial for the purpose of conducting a settlement conference. The Judge learned that many of the approximately twenty individuals necessary to the discussions were required to be in Washington for other reasons. Involved were the President of the Teamsters Union (because of an issue of retroactive seniority), the Assistant Attorney General in charge of the Civil Rights Division, Department of Justice, the President of Roadway, and others. Judge Lambros was eager to reach an accord as soon as possible and therefore agreed to preside at the Washington meeting so that all principals could attend without undue inconvenience.

As a result of two lengthy sessions which went into late evening hours, a settlement was achieved on several issues. Final settlement of this protracted litigation followed shortly thereafter and substantial savings of judicial time and expense were realized.

Institute For Court Management Opens

On June 15, 1970, the Institute for Court Management started sessions at Aspen, Colorado, under the direction of Ernest C. Friesen, Jr., who resigned his position as Director of the Administrative Office to take on this important program. It fills a long existing void in the area of court administration and management training, and is the result of a recommendation Chief Justice Burger made at the annual meeting of the ABA last August. It is sponsored by three organizations: The American Bar Association, The Institute of Judicial Administration and The American Judicature Society.

Those attending the first class were carefully selected by a Board which considered a vast number of applicants. They

MURRAH (Continued from p. 1)

point of active service. He first became a District Court Judge in 1937 at the age of 32, the youngest on record to be appointed to the federal bench. In 1940 he was elevated to the Court of Appeals for the Tenth Circuit and since 1959 he has served as the Chief Judge of that Circuit. The Chief Justice, in announcing the new Director, praised Mr. Justice Clark's "dynamic leadership" in establishing the Federal Judicial Center on a sound operational basis in less than two years and added that the Justice's contribution to the entire judicial system in the United States is unparalleled. He referred to Judge Murrah as "a pioneer in programs for the improvement of judicial administration" and said he is therefore "destined to be a worthy successor to Mr. Justice Clark."

At age 65, Judge Murrah could have served another five years as Chief Judge of his Circuit, but at the request of the Center Board he took senior status to direct the work of the Center. It bespeaks the importance he attaches to the position and to the functioning of the Center within the judicial branch.

Judge Murrah is an active participant in numerous committees, not only those of the Judicial Conference of the United States but others functioning in the area of judicial administration. Included is the work of the American Bar Association in drafting the Standards for Criminal Justice. He is also Chairman of the 50-member Council of Judges of the National Council on Crime and Delinquency. He is Chairman of the Judicial Panel on Multidistrict Litigation which was formed in 1968.

As Chairman of the Judicial Conference Committee on Trial Practice and Technique he was responsible for developing the first seminars for federal judges and he has participated in every one held since 1957. It is particularly fitting that Judge Murrah continue this important work for the judiciary, now expanded to include not only the newly appointed judges, but all the judges and their supporting personnel.

In speaking to the staff about his new assignment, Judge Murrah said, "We do not envision the function of the Center to be designed to take over any of the work of the Administrative Office; the duties of the two are not fungible. Nor do we envision the function of the Center to be a standing committee of the Judicial Conference. We are the servants of the federal judges, with a product to sell, and we must prove it is salable."

will be schooled in all phases of court management and upon completing the course next December will be highly qualified administrators, aware of the latest and best procedures, techniques and equipment adaptable to handling all types of courts.

Included in the first class are Harvey Solomon, who is on leave from the Federal Judicial Center's Innovation & Systems Development division, and three Clerks: Samuel W. Phillips, Clerk, Fourth Circuit Court of Appeals; James E. Manspeaker, Deputy Clerk for the District of Colorado; and Stewart Cunningham, Deputy Clerk for the Northern District of Illinois.

KIRKS, SEAVER (Continued from p. 1)

experience, dating back to 1949. He is a member of the Missouri and Virginia Bars. Succeeding John F. Davis, who is retiring after nine years, Mr. Seaver becomes the 15th Clerk in the 180-year history of the Court. The Clerk is the Senior Officer of the Court's staff.

Mr. Kirks, 55, takes over as Director of the Administrative Office after 10 years as General Counsel to the American Textile Manufacturers Institute in Washington. He was an Assistant Attorney General during President Truman's Administration and has been a corporate legal counsel or in private practice since 1939. He will be the fourth man to head the Administrative Office since its inception in 1939, succeeding Ernest C. Friesen, Jr., now Executive Director of the Institute for Court Management, the new facility for training Court Executives in Denver, Colorado. Three of the four men who have held this post served as Assistant Attorneys General of the U.S.

"The Judiciary is fortunate to secure the services of these two outstanding lawyers who are experienced in private practice and who also have been dedicated public officers," Chief Justice Warren E. Burger commented. "I am confident each will perform in the fine tradition of his distinguished predecessors."

Mr. Seaver is a native of Beloit, Kansas but grew up in Kansas City, Missouri. He earned his Law Degree (J.D.) from the Law School of the University of Missouri at Kansas City in 1940 and served as a Naval Officer throughout World War II. Returning to Kansas City, Mr. Seaver engaged in the practice of law until 1949 when he came to Washington with the U.S. Housing and Home Finance Agency (now H.U.D.). After two years, he transferred to the Department of Justice and served successively as an attorney with the Court of Claims Section, Civil Division; the Admiralty Section; as Attorney-in-Charge, New York Admiralty Litigation Office; and as an Assistant Attorney General under Hon. William P. Rogers.

Mr. Seaver next became General Counsel and Legal Adviser (on international matters) to the U.S. Maritime Administration and Federal Maritime Board and, in this capacity, was appointed by President Kennedy to head a U.S. Delegation to negotiate international maritime treaties. In 1962, he began his career as a Federal Hearing Examiner, first with the Federal Maritime Commission and more recently with the Civil Aeronautics Board. He and his wife (the former Emily McCoy of Norfolk, Virginia) have three daughters and a son and they live in suburban McLean, Virginia. He took his oath of office and began serving as Clerk of the Supreme Court on June 22, 1970.

Mr. Kirks, in a diversified career, has held posts connected with Government, legal, community and military affairs. A native Washingtonian, he was graduated from Virginia Military Institute and served as a senior staff officer with the Army in Europe during World War II. After active duty, he continued in the U.S. Army Reserve, later becoming a Major General and the Commanding General of the 97th U.S. Army Reserve Command, which embraces the District of Columbia, Maryland, Virginia, Delaware and Eastern West Virginia.

He received his legal education from Harvard Law School and National University Law School, earning his Law Degree at the latter in 1939. He also has a Master's Degree in Patent Law, a Doctorate in Juridical Science, and a Legal Doctorate, all from National University (now the National Law Center of the George Washington University). In the course of his career, Mr. Kirks has taught law at National University, served as the Dean of its Law School, and as its President. He served for nine years as a member of the Board of Education of the District of Columbia and is the current President of the Board of Trustees of the New York Avenue Presbyterian Church in Washington. He is also a past chairman of the Salvation Army Advisory Board, on which he now serves as a member; and a member of the District of Columbia and Federal Bar Associations.

Before joining the American Textile Manufacturers Institute in 1960, he served for six years as the Legislative Counsel of the National Automobile Dealers Association in Washington. In 1961 and 1962, he was an industry advisor to a U.S. delegation at international textile negotiations in Geneva, Switzerland. Married to the former Virginia L. Potter of Petersburg, Virginia, he and Mrs. Kirks have a son and daughter and they live in northwest Washington. His appointment as Director of the Administrative Office became official on July 1, 1970.

Chief Probation Officers Meet

Twenty-nine Chief Probation Officers from the largest offices in the country met at the Federal Judicial Center for a two and a half day seminar beginning May 21, 1970.

Held under the leadership of Henry G. Herrell of the Graduate School of the U.S. Department of Agriculture, the seminar was unique in its emphasis upon the basics of management skills and group interactions. The Chief Probation Officers in attendance supervise a total staff of 383 or over 60 percent of the entire federal probation service. Operations of this size require a wide range of managerial techniques not usually covered in other in-service training programs for Probation Officers. It is believed that seminars of this type will contribute to lower costs and improved office efficiency, as well as aiding the Chiefs in providing a most satisfying work experience for their large staffs.

Two future seminars of similar character are being planned, so that all Chief Probation Officers can participate.

Corrections Commission Formed

Chief Justice Burger and ABA President, Bernard G. Segal, announced a nationwide program for the improvement of rehabilitation procedures for criminal offenders. Drawing specific attention to the soaring crime rate, Mr. Segal and the Chief Justice jointly held a press briefing at the Supreme Court and emphasized that two-thirds of all persons now serving sentences in state and federal prisons have been previously convicted one or more times. In addition, it was pointed out that 72 percent of all offenders under age 20, and 60 percent of all persons convicted are rearrested within five years of their release.

(Continued on p. 6)

F.J.C. CALENDAR

July	
27-29	Eighth Circuit Judicial Conference Rapid City, South Dakota
August	
10-14	Federal Court Clerks Association Annual Meeting, Washington, D.C.
September	
10-12	Second Circuit Judicial Conference Lake Placid, New York
October	
28	Meeting of Circuit Chief Judges Dolley Madison House, Washington, D.C.
29-30	Judicial Conference of the United States Supreme Court, Washington, D.C.

ARTICLES TO NOTE

"Judicial Interference with Litigation in Other Courts" by Judge Edward Dumbauld (Western District of Pennsylvania), *Dickinson Law Review*, Volume LXXIV, No. 3 (Spring, 1970) 369-388.

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"Developments in the Law - Federal Habeas Corpus," *Harvard Law Review*, Volume 83, No. 5 (March, 1970) 1038-1280.

COMMISSION (Continued from p. 5)

The program, known as the Commission on Correctional Facilities and Services, will not direct its attention toward further research; it will instead focus "public attention on what needs to be done" and stimulate "nationwide action programs in the states and communities throughout the country."

The Commission is headed by former New Jersey Governor Richard J. Hughes and will rely heavily on the support of state and local bar associations, as well as the active involvement of concerned citizen groups.

The first planning session for the Commission was held in Washington, D.C. on June 10th.

THE THIRD BRANCH

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THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE

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OFFICIAL BUSINESS

Presentence Report Published

Last year the FJC contracted with Georgetown University Law School to conduct an empirical study of presentence investigation practices in a number of southern federal District Courts. Data was gathered and studied with a view to providing a more enlightened approach to resolving several controversial questions which have surrounded the use of presentence reports. The work beamed on such issues as the mechanics of getting an advance presentence investigation, the reasons for its use, when to use it, and allied legal and pragmatic problems. The role of the probation officer is also examined and recommendations made for more effective use of his services.

Though the report was submitted to the Center some time ago, reprints from the *Georgetown Law Journal*, where it was published, were only recently received. The article, entitled "The Presentence Report: An Empirical Study of Its Use in the Federal Criminal Process" is available upon request to the Center.

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