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REPORT OF THE JUDICIAL CONFERENCE.

SEPTEMBER SESSION, 1937.

The Judicial Conference provided for in the Act of Congress of September 14, 1922 (U. S. Code, Title 28, sec. 218), convened on September 23, 1937, and continued in session for three days. The following Senior Circuit Judges were present in response to the call of the Chief Justice:

First Circuit, Senior Circuit Judge George H. Bingham.
Second Circuit, Senior Circuit Judge Martin T. Manton.
Third Circuit, Senior Circuit Judge Joseph Buffington.
Fourth Circuit, Senior Circuit Judge John J. Parker.
Fifth Circuit, Senior Circuit Judge Rufus E. Foster.
Sixth Circuit, Senior Circuit Judge Charles H. Moorman.
Seventh Circuit, Senior Circuit Judge Evan A. Evans.
Eighth Circuit, Senior Circuit Judge Kimbrough Stone.
Ninth Circuit, Senior Circuit Judge Curtis D. Wilbur.

The Senior Circuit Judge for the Tenth Circuit, Judge Robert E. Lewis, was absent, and his place was taken by Circuit Judge Orie L. Phillips.

By Act of Congress of July 5, 1937, provision was made for representation in the Conference of the United States Court of Appeals for the District of Columbia. As the Chief Justice of that Court was unable to be present, Justice D. Lawrence Groner attended in his stead.

The Attorney General and the Solicitor General, with their aides, were present at the opening of the Conference.

State of the Dockets.—Number of Cases Begun, Disposed of, and Pending, in the Federal District Courts.

The Attorney General submitted to the Conference a report of the condition of the dockets of the district courts for the fiscal year ending June 30, 1937, as compared with

- 1 additional district judge for the Eastern District of Michigan;
- 1 additional district judge for the Northern District of Ohio;
- 1 additional district judge for the Western District of Washington;
- 1 additional district judge for the Southern District of California;
- 1 additional district judge for the District of Kansas;
- 3 additional district judges for the District of Columbia.

In the remaining seventy-five districts, it is the opinion of the Conference that no additional district judges are now required.

The Conference is also of the opinion that the present method of assigning judges to meet temporary emergencies is adequate.

Boundaries of Judicial Districts and Circuits.

In view of the pending inquiries by committees of the Senate and of the House of Representatives, respectively, which have been appointed to study the organization and operation of federal courts, it seemed to the Conference that it was probable that the boundaries of existing districts and circuits would become the subject of consideration. In order to provide the means for suitable collaboration in the examination of that subject, the Conference appointed the following committee to cooperate with the congressional committees, to wit, Judges Manton, Foster, Wilbur and Phillips, the Chief Justice being authorized to add to the committee from time to time.

Appointment of Counsel for Indigent Defendants in Criminal Cases—Public Defender.

The Attorney General brought to the attention of the Conference the subject of proper representation for indi-

gent defendants in criminal cases and the following resolution was adopted:

“We approve in principle the appointment of a Public Defender where the amount of criminal business of a district court justifies the appointment. In other districts the district judge before whom a criminal case is pending should appoint counsel for indigent defendants unless such assistance is declined by the defendant. In exceptional cases involving a great amount of time and effort on the part of counsel so assigned, suitable provision should be made for compensation for such service, to be fixed by the court and to be a charge against the United States”.

Amendment of Section 25 of the Bankruptcy Act.

At the Conference last year a committee was appointed to consider the advisability of amending Section 24b of the Bankruptcy Act with respect to appeals. Upon receiving the report of that committee, and after considering the various questions raised in the discussion, the Conference adopted the following resolution:

“Resolved: That in the opinion of this Conference Section 25 of the Bankruptcy Act should be amended so as to permit consideration by the Circuit Courts of Appeals and by the United States Court of Appeals for the District of Columbia of appeals which have not been properly applied for or allowed because of mistake as to the applicable section of the statute relating to appeals in such cases. We suggest that the following subsection be added to the statute as Subsection 25 (d), viz:

“(d) In any case where an appeal which is allowable only in the discretion of the appellate court under Subsection 24 (b) hereof has been allowed under Subsection 24 (a) or 25 (a), or where an appeal which is allowable only under Subsection 24 (a) or