
ANNUAL REPORT
OF THE PROCEEDINGS
OF THE JUDICIAL CONFERENCE
OF THE UNITED STATES

HELD AT
WASHINGTON, D. C.
SEPTEMBER 17-19
1958

+

ANNUAL REPORT OF THE
DIRECTOR OF THE ADMINISTRATIVE
OFFICE OF THE
UNITED STATES COURTS
1958

APPENDIX:
REPORT OF THE PROCEEDINGS
OF THE JUDICIAL CONFERENCE
SPECIAL SESSION
MARCH 18-19, 1958

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1959

enough known about the effects of the Act to warrant altering the recommendations of the Conference. The Committees on Court Administration and Judicial Statistics were directed to maintain a continuous appraisal of the effects of the Act and report again in March to the Conference.

In the meantime, the Conference reiterated its view that the creation of additional judgeships is vital to the prompt and efficient administration of justice and that action must be sought in the 86th Congress.

RULES OF PRACTICE AND PROCEDURE FOR THE UNITED STATES COURTS

Chief Judge John Biggs, Jr., Chairman of the Committee on Court Administration, and Circuit Judge Albert B. Maris, Chairman of the Committee on Revision of the Laws, submitted to the Conference the joint recommendations of their respective Committees for implementing the Act of July 11, 1958 (Public Law 85-513; 28 U.S.C. 331). This Act authorizes the Judicial Conference of the United States to carry on a continuous study of the operation and effect of the general rules of practice and procedure now or hereafter in use as prescribed by the Supreme Court for the other courts of the United States pursuant to law.

After a full discussion the Conference approved the following recommendations of the Committees:

(1) That a standing Committee on Rules of Practice and Procedure be created, the members to be appointed by the Chief Justice and to consist in addition to members of the Judicial Conference of a suitable number of representative judges, lawyers and law teachers.

(2) That five advisory committees be created, one on practice and procedure in civil cases; one on practice and procedure in criminal cases; one on practice and procedure in bankruptcy; one on rules of practice and procedure to be applicable to or govern in admiralty cases; and one to recommend general uniform rules of practice and procedure in the courts of appeals and rules governing review of Tax Court decisions, the members of the advisory committees to be appointed by the Chief Justice for terms of four years, the first appointments to be for staggered terms of two and four years, the members to be eligible for reappoint-

ment for one additional term only, and the members to consist of broadly representative judges, lawyers and law teachers.

(3) The function of the standing Committee on Rules of Practice and Procedure shall be to coordinate the work of the several advisory committees, to make suggestions to them of proposals to be studied by them, to consider proposals recommended by the advisory committees and to transmit such proposals with its recommendation to the Judicial Conference or to recommit them to the appropriate advisory committee for further study and consideration, and to make recommendations to the Judicial Conference with regard to any other matters in the field of practice and procedure as to which the Conference may be called upon to act.

(4) Each of the advisory committees shall carry on a continuous study of the operation and effect of the rules of practice and procedure now or hereafter in use in its particular field, and shall consider, and from time to time propose to the Judicial Conference through the standing Committee on Rules of Practice and Procedure, such changes in and additions to those rules as the advisory committee may deem desirable to promote simplicity in procedure, fairness in administration, the just determination of litigation, and the elimination of unjustifiable expense and delay.

(5) To assist the committees in carrying out their duties a reporter and such associate or assistant reporters as may be necessary should be appointed by the Chief Justice for limited terms of service and at adequate salaries. Supporting staff for the work of the reporter and of the committees should be provided by the Administrative Office.

(6) Steps should be taken to encourage the judicial conferences and councils of the circuits to cooperate through suitable committees in each circuit, and similar steps should be taken in respect to securing the cooperation of national, state and local bar associations.

JOINT REPORT OF THE COMMITTEE ON SUPPORTING PERSONNEL AND THE COMMITTEE ON COURT ADMINISTRATION

Chief Judge John Biggs, Jr., Chairman of the Committee on Supporting Personnel and of the Committee on Court Administration, made a joint report for the two Committees.