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Approved 12/31/75

APPROVED
DEC 31 1975

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: January 2, 1976

December 30, 1975

Postmarked
1/1

To Archive
1/2

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 10035 - Judicial Conference
of the District of Columbia

Attached for your consideration is H.R. 10035, sponsored by Representative Diggs, which authorizes and directs the Chief Judge of the D.C. Court of Appeals to conduct an annual judicial conference to advise on means of improving the administration of justice in the District of Columbia.

The enrolled bill would also correct a technical error in the Education Amendments of 1974, which inadvertently excluded the District of Columbia and Puerto Rico from the category of "States" eligible for funding under title IV of the Elementary and Secondary Education Act.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 10035 at Tab B.



DEC 31 1975

A



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 20 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 10035 - Judicial Conference
of the District of Columbia
Sponsor - Rep. Diggs (D) Michigan

Last Day for Action

January 2, 1976 - Friday

Purpose

To establish the Judicial Conference of the District of Columbia and to make the District of Columbia and Puerto Rico eligible for Federal assistance under the Elementary and Secondary Education Act.

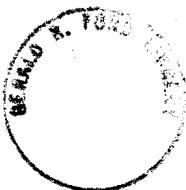
Agency Recommendations

Office of Management and Budget	Approval
District of Columbia	Approval
Department of Health, Education and Welfare	Approval
Department of Justice	No objection
Administrative Office of the United States Courts	No recommendation

Discussion

Judicial Conference of the District of Columbia

The enrolled bill authorizes and directs the Chief Judge of the D.C. Court of Appeals to conduct an annual judicial conference to advise on means of improving the administration of justice in the District of Columbia. The Chief Judge is required to



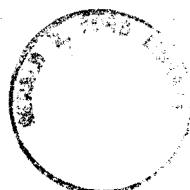
summon the active judges of the D.C. Court of Appeals and the D.C. Superior Court to the conference. Each judge summoned must attend and, unless excused by the Chief Judge, remain throughout the conference. The D.C. Court of Appeals is also directed to provide by its rules for participation in the conference of members of the District of Columbia Bar, and other persons active in the legal profession such as private practitioners, law professors, the U.S. Attorney, the Public Defender, and the Corporation Counsel.

Federal legislation is required in this local D.C. matter because the District of Columbia Self-Government and Governmental Reorganization Act (the D.C. "Home Rule" Act), approved December 24, 1973, did not affect the jurisdiction of the D.C. courts and, thus, Congress, rather than the D.C. Council, retained exclusive power to legislate on judicial matters for the District of Columbia. This legislation has been prompted by the reorganization of the D.C. judicial system under the District of Columbia Court Reform and Criminal Procedure Act of 1970, which divested the Federal courts in the District of Columbia of jurisdiction over all purely local matters and transferred such jurisdiction to the D.C. Superior Court and the D.C. Court of Appeals. As a result of this separation of the District's court systems, the annual judicial conference convened by the Chief Judge of the U.S. Court of Appeals for the District since 1939 is now restricted to Federal matters. The enrolled bill will afford the D.C. judicial system the same mechanism employed by the majority of States for advising and making recommendations on problems concerning the administration and enforcement of their laws.

Elementary and Secondary Education Act Amendment

The enrolled bill would also correct a technical error in the Education Amendments of 1974 (P.L. 93-380), which inadvertently excluded the District of Columbia and Puerto Rico from the category of "States" eligible for funding under title IV of the Elementary and Secondary Education Act. This error would result in the D.C. public schools losing \$454,780 in fiscal year 1976 title IV funds for innovative educational programs.

HEW has proposed to the 94th Congress a number of technical amendments to P.L. 93-380, including the amendment in this enrolled bill. In expectation of this amendment's enactment,



that Department has reserved funds from the 1976 title IV appropriation to be granted to the District and Puerto Rico.

James M. Frey
Assistant Director
for Legislative Reference

Enclosures



THE DISTRICT OF COLUMBIA

WALTER E. WASHINGTON
MAYOR

WASHINGTON, D. C. 20004

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in reference to a facsimile of an enrolled enactment of Congress entitled:

H.R. 10035 - An Act to establish the Judicial Conference of the District of Columbia.

The enrolled bill directs the Chief Judge of the District of Columbia Court of Appeals to summon annually the active judges of the District of Columbia Court of Appeals and of the Superior Court of the District of Columbia for a judicial conference. In addition, the Court of Appeals is directed to provide by its rules for representation of, and participation by, members of the District of Columbia Bar and other persons active in the legal profession at such conference.

Since 1939, 28 U.S.C. sec. 333 has authorized the Chief Judge of the United States Court of Appeals for the District of Columbia to convene annually a conference of judges and lawyers in the District, and this conference has frequently dealt with local as well as Federal matters. However, pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, jurisdiction over purely local matters is now vested in the Superior Court of the District of Columbia and the District of Columbia Court of Appeals. Consequently, the enrolled bill, by authorizing the local courts to hold a judicial conference, would allow the local courts to perform a function which no longer can be adequately performed under current legislation.

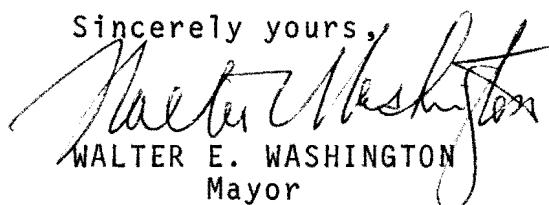


Additionally, section 1(c) of the bill would make a technical amendment to section 801 of the Elementary and Secondary Education Act of 1965 to include the District of Columbia as a State for the purposes of title IV of such Act. When the Act cited as the Education Amendments of 1974 (Public Law 93-380) was passed, the Congress inadvertently failed to amend the general definitions section of the Elementary and Secondary Education Act of 1965 to include title IV among the other titles of that Act under which the District of Columbia had been deemed to be a State. This omission affects the eligibility of the District for funding under such title IV and section 1(c) of H.R. 10035 will correct this oversight. If not corrected, the omission could result in the failure of the District to receive title IV funds in fiscal year 1976 of approximately \$454,780, and the loss of approximately \$909,598 which is scheduled to be allotted to the District in fiscal year 1977.

The enactment of section 1(a) of the enrolled bill will result in additional costs to the District of Columbia, the exact amount of which has not yet been determined. It is to be noted, however, that funds required to implement this subsection of the bill may not be available.

The District Government recommends the approval of H.R. 10035.

Sincerely yours,



A handwritten signature in black ink, appearing to read "Walter Washington".

WALTER E. WASHINGTON
Mayor





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

DEC 24 1965

The Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

This is in response to your request for a report on H.R. 10035, an enrolled bill "To establish the Judicial Conference of the District of Columbia."

The portions of the enrolled bill relating to the Judicial Conference of the District of Columbia do not affect the programs of this Department. However, subsection (c) of the bill is a technical amendment to the Elementary and Secondary Education Act which is necessary to enable the District of Columbia and Puerto Rico to participate in programs assisted under title IV of that Act. This technical amendment was originally proposed by this Department and we favor its enactment.

When a number of elementary and secondary education programs were consolidated into title IV of the Elementary and Secondary Education Act of 1965 by Public Law 93-380, through an oversight the definition of the term "State" for the purposes of that Act was not amended to apply to title IV. As a result, the term "State" when used in title IV technically means only the fifty States. Since Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands are taken care of by a separate allotment, the allotment of the remainder of the title IV funds among the "States" would exclude the District of Columbia and Puerto Rico from that program.

The Department proposed a number of technical amendments to Public Law 93-380 in February of this year, including the amendment in subsection (c) of the enrolled bill. The Congress has not acted on most of those amendments; but since this amendment affects the eligibility of two

jurisdictions to receive an allocation under the new title IV, Congress has appropriately given special attention to this amendment.

In expectation of the enactment of this amendment, we have reserved funds from the 1976 appropriation for title IV to make an allocation to the District of Columbia and Puerto Rico.

Subject to any objection of the District of Columbia and the Department of Justice with regard to the establishment of the Judicial Conference, we recommend that the enrolled bill be approved.

Sincerely,


David W. Lattakay
Secretary



Department of Justice
Washington, D.C. 20530

December 23, 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill (H.R. 10035), "To establish the Judicial Conference of the District of Columbia."

The Department of Justice interposes no objection to the approval of this bill.

Sincerely,



Michael M. Uhlmann



ADMINISTRATIVE OFFICE OF THE

UNITED STATES COURTS

SUPREME COURT BUILDING

WASHINGTON, D.C. 20544

ROWLAND F. KIRKS
DIRECTOR

WILLIAM E. FOLEY
DEPUTY DIRECTOR

December 22, 1975

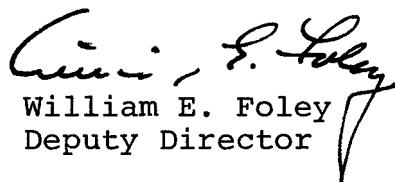
James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C.

Dear Mr. Frey:

This will acknowledge receipt of your enrolled bill request of December 22, 1975, transmitting for an expression of views H.R. 10035, an Act "To establish the Judicial Conference of the District of Columbia."

Inasmuch as the local courts of the District of Columbia, namely the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, are not within the jurisdiction of the Judicial Conference of the United States, the proposed legislation was not referred to the Conference for comment and accordingly no recommendation is made regarding Executive approval.

Sincerely,


William E. Foley
Deputy Director



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1549

Date: December 29

Time: 1030am

Dick Parsons
FOR ACTION: Max Friedersdorf
Ken Lazarus
Jim Falk
David Lissy

cc (for information): Jack Marsh
Jim Cavanaugh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: December 30

Time: 500pm

SUBJECT:

H.R. 10035 - Judicial Conference of the District
of Columbia

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS: I recommend approval of H.R. 10035.

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

Staff Secretary
White House

THE WHITE HOUSE

WASHINGTON

December 30, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.*
SUBJECT: H.R. 10035 - Judicial Conference of the District
of Columbia

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1549

Date: December 29

Time: 1030am

Dick Parsons
FOR ACTION: Max Friedersdorf
Ken Lazarus
Jim Falk
David Lissy

cc (for information): Jack Marsh
Jim Cavanaugh
Warren Hendriks

TO
FROM THE STAFF SECRETARY

DUE: Date: December 30

Time: 500pm

SUBJECT:

H.R. 10035 - Judicial Conference of the District
of Columbia

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Recommend Approval

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delay in submitting the required material, please
telephone the Staff Secretary immediately.

THE WHITE HOUSE

ACTION MEMORANDUM

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Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: December 30

Time: 500pm

SUBJECT:

H.R. 10035 - Judicial Conference of the District
of Columbia

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

12/29/75
Recommend
Approved
MNF

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

12/29/75
Rec'd 12/29/75
File 12/29/75

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1549

Date: December 29

Time: 1030am

FOR ACTION: Dick Parsons
Max Friedersdorf
Ken Lazarus
Jim Falk
David Lissy

cc (for information): Jack Marsh
Jim Cavanaugh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: December 30

Time: 500pm

SUBJECT:

H.R. 10035 - Judicial Conference of the District
of Columbia

ACTION REQUESTED:

- For Necessary Action For Your Recommendations
 Prepare Agenda and Brief Draft Reply
 For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection. -- Ken Lazarus 12/30/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

John D. Cavanaugh
Staff Secretary

*To:
J. Cavanaugh
12-29-75
109.M.*

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 23 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 10035 - Judicial Conference
of the District of Columbia
Sponsor - Rep. Diggs (D) Michigan

Last Day for Action

January 2, 1976 - Friday

Purpose

To establish the Judicial Conference of the District of Columbia and to make the District of Columbia and Puerto Rico eligible for Federal assistance under the Elementary and Secondary Education Act.

Agency Recommendations

Office of Management and Budget	Approval
District of Columbia	Approval
Department of Health, Education and Welfare	Approval
Department of Justice	No objection
Administrative Office of the United States Courts	No recommendation

Discussion

Judicial Conference of the District of Columbia

The enrolled bill authorizes and directs the Chief Judge of the D.C. Court of Appeals to conduct an annual judicial conference to advise on means of improving the administration of justice in the District of Columbia. The Chief Judge is required to

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1549

Date: December 29

Time: 1030am

FOR ACTION: Dick Parsons *pk*
Max Friedersdorf *pk* cc (for information): Jack Marsh
Ken Lazarus *pk* Jim Cavanaugh
Jim Falk *pk* Warren Hendriks
David Lissy *pk*

FROM THE STAFF SECRETARY

DUE: Date: December 30

Time: 500pm

SUBJECT:

H.R. 10035 - Judicial Conference of the District
of Columbia

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

Calendar No. 503

94TH CONGRESS
1st Session

SENATE

{ REPORT
No. 94-524

JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA

DECEMBER 10, 1975.—Ordered to be printed

Mr. EAGLETON, from the Committee on the District of Columbia,
submitted the following

REPORT

[To accompany H.R. 10035]

The Committee on the District of Columbia, to which was referred the bill (H.R. 10035) having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

On page 2, on the second line after line 14, insert the following:

(c) The portion of section 801 of the Elementary and Secondary Education Act of 1965 which precedes subsection (a), is amended by striking out "As used in titles II, III, V, VI, and VII," and inserting in lieu thereof, "As used in titles II, III, IV, V, VI, and VII".

PURPOSES OF THE BILL

The purpose of H.R. 10035 is to authorize and direct the Chief Judge of the D.C. Court of Appeals to convene an annual judicial conference designed to improve the operation of the civil and criminal justice system in the District of Columbia. The bill would provide a mechanism whereby the local bench and the bar are brought together periodically on a regular basis to discuss major problems incident to the administration and enforcement of the laws of the District of Columbia, and to make recommendations for solutions to such problems.

The bill as amended will also correct an error in the final version of the Education Amendments of 1974, enacted August 21, 1974, which omitted the District of Columbia from eligibility for funding under title IV of the Education Amendments of 1974.

MAJOR PROVISIONS OF THE BILL

The bill directs the Chief Judge of the District of Columbia Court of Appeals to summon annually the active judges of the D.C. Court of Appeals and of the Superior Court, the appellate and trial court judges, respectively, of the District of Columbia for a judicial conference. In addition, the D.C. Court of Appeals is directed to provide by its rules for the representation of, and active participation by, members of the District of Columbia Bar and other persons active in the legal profession at such conference. The Chief Judge of the D.C. Court of Appeals has indicated that invited delegates will be broadly representative of the legal profession, including active private practitioners, law professors, the U.S. Attorney, the Public Defender, and the Corporation Counsel.

It is intended that all delegates have a vote and be expected to participate fully in conference work. Every judge summoned will attend, and unless excused by the Chief Judge, will remain throughout the conference. This bill authorizes and directs the Chief Judge to conduct an annual judicial conference similar to those which the Courts of Appeal in the various Federal Circuits hold pursuant to 28 U.S.C. § 333, but it will be confined to local, rather than Federal, judicial matters. The judicial conference proposed by the bill is in accord with the practice of the states, the great majority of which have established such a mechanism for ascertaining and solving problems concerning the procedure and administration of the courts.

BACKGROUND OF THE COURTS OF THE DISTRICT OF COLUMBIA

Until 1942, the only important court of general jurisdiction in the District of Columbia was the United States District Court which heard criminal and civil cases arising under the D.C. Code as well as all Federal matters. The United States Court of Appeals for the District of Columbia Circuit was vested with appellate review of judgments of the U.S. District Court.

There were, however, three petty courts: (1) the Police Court, which exercised jurisdiction over traffic and breaches of ordinance or regulations adopted by the D.C. Board of Commissioners; (2) a Municipal Court which heard damage actions for small claims; and (3) a Juvenile Court. Under the D.C. Judicial Reorganization Act of April 1, 1942 (56 Stat. 190), the Police Court and the Municipal Court were merged into what was called the Municipal Court of the District of Columbia and was given jurisdiction over misdemeanors arising under the D.C. Code and actions for damages up to \$10,000. This 1942 Act also created a Municipal Court of Appeals, the predecessor of the present District of Columbia Court of Appeals.

The next local judicial reorganization act of any importance was the Act of December 23, 1963 (77 Stat. 478), effective January 1, 1964. Under this Act, the name of the Municipal Court was changed to Court of General Sessions and was given additional jurisdiction, *viz.*, domestic relations and landlord-tenant cases. Under this Act, the name of the Municipal Court of Appeals was changed to the District of Columbia Court of Appeals which still continued as a three-judge court. By 1967, the volume of local appeals had increased sufficiently

so that the court was enlarged by an Act of Congress to authorize the appointment of six rather than three judges. It remained an intermediate appellate court as its decisions could be reviewed by the United States Court of Appeals for the D.C. Circuit on applications for leave to appeal. In other words, the U.S. Circuit Court for the District of Columbia had discretionary review.

A much more sweeping reform was accomplished by the District of Columbia Court Reform and Criminal Procedure Act of 1970 (84 Stat. 473). This Act, in a three-stage phase-out, removed from the United States District Court for the District of Columbia all jurisdiction over criminal matters, including felonies arising under the D.C. Code, and all civil matters not otherwise provided for by statute. Such matters were transferred to a new trial court called the Superior Court of the District of Columbia to which, in addition to its new jurisdiction, was given all jurisdiction which had been previously vested in the Court of General Sessions, the Juvenile Court, and the D.C. Tax Court. These latter courts were abolished by the act, but the judges thereof were made part of the new Superior Court bench.

The D.C. Court of Appeals was given appellate jurisdiction over the Superior Court as well as review over all District of Columbia agencies, the D.C. Commissioner, and the D.C. Council. Perhaps more importantly, this court was made the court of last resort for the District, as its decisions were made subject to review directly by the United States Supreme Court. The membership of the court was increased from six to nine, and for all practical purposes the jurisdiction of the D.C. Court of Appeals was made equivalent to that of a state supreme court.

The District of Columbia Self-Government and Governmental Reorganization Act, December 24, 1973 (87 Stat. 774) (the "Home Rule" Act), did not affect the jurisdiction of the D.C. courts.¹ Congress rather than the D.C. Council, retained the exclusive power to legislate on judicial matters encompassed within Title 11 of the D.C. Code.

NEED FOR LEGISLATION

Since 1939, 28 U.S.C. § 333 has authorized the Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit to convene annually a conference of judges and lawyers in the District and this conference frequently dealt with local as well as Federal matters. However, the Congress, under the terms of the District of Columbia Court Reform and Criminal Procedure Act of 1970, 84 Stat. 473, divested the Federal courts in the District of Columbia of jurisdiction over all purely local matters and transferred such jurisdiction to the D.C. Superior Court and the D.C. Court of Appeals.

As a result of this separation of the court system in the District, only the Federal court is authorized to conduct a judicial conference. This continuing judicial conference conducted by the U.S. Court of Appeals for the District of Columbia Circuit is limited by 28 U.S.C.

¹ However, two changes relating to the selection of judges were made by the "Home Rule" Act: (1) nominations for future vacancies on the bench are to be made by a Judicial Nomination Commission which is to submit a list of three names to the President for his consideration in appointing new judges, subject to Senate confirmation; (2) the Commission on Judicial Disabilities and Tenure was given new responsibilities for evaluating and passing upon sitting judges seeking reappointment.

§ 333 to the "business of the courts," which necessarily excludes the business of the local courts. H.R. 10035, authorizing an annual judicial conference to deal with local rather than Federal matters, will fill this need.

An additional justification for this legislation is based on the enlarged jurisdiction given the D.C. Superior Court and the D.C. Court of Appeals, which has resulted in substantially increased caseloads at the trial as well as appellate levels. Consequently, the need for a judicial conference to deal with this problem is a compelling one.

The amendment added by the committee corrects an error in the final version of the Education Amendments of 1974, enacted August 21, 1974. The District of Columbia was omitted from eligibility for funding under title IV of the Education Amendments of 1974 (Consolidation of Education Programs). This oversight in the law has made it impossible to allocate the \$454,780 scheduled to support programs under this title in the District.

The following letter from the General Counsel of the D.C. Board of Education, Mr. David A. Splitt, details the impact of this loss of funds and the need for swift action on the part of Congress.

BOARD OF EDUCATION
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., July 15, 1975.

Hon. CHARLES McC. MATHIAS, Jr.,
Russell Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: Both the President of the Board of Education and the Superintendent of Schools have expressed their concern over the inadvertent loss of \$454,780 in FY 1976 Title IV E.S.E.A. funds through a drafting oversight in P.L. 93-380. The Board and superintendent have urged swift legislative action to add the District of Columbia to the definition of "States" eligible to receive Title IV funds under the provisions of the amended statute. This office has been asked to supply additional information describing the impact of funding loss under Title IV.

The nature of the consolidation of programs under Title IV of the 1974 Education Amendments does not allow a precise delineation of which positions and programs will have to be curtailed or how many new programs would have to be eliminated due to the loss of funding. However, it is certain that approximately half of the funding support for programs funded through FY 1975 by Title III, Title IV, and part of Title V (consolidated under the amendment) has been lost due to the omission of the District of Columbia from the new Title IV structure.

Thus, the District of Columbia will have to choose among the projects funded through FY 1975 or planned for FY 1976, eliminating some programs and personnel in order to accommodate the current funding level. Certainly this difficult selection process was not intended by the Congress. Rather, the efforts required to modify current planning and program levels could be expended on planning for new programs and improving and administering programs scheduled to continue under Title IV.

In general, the impact of the funding loss falls into two categories, Library and Learning Resources programs and projects which are funded under Part B of Title IV and Educational Innovation and Support programs funded by Part C of Title IV. The FY 1976 impact in each of these areas is as follows:

Part B—Library and Learning Resources programs and projects would be cut in half. Acquisition of learning materials and visual aids, equipment purchases, and new programs in guidance counseling and testing would have to be cancelled. Administrative services and positions would be reduced by half.

Part C—Educational Innovation and Support programs would be cut more than one-third. At least four projects, including two validated projects which are relying on Title IV support for demonstration and implementation in the regular budget would be cancelled. Eight other projects would have to be selected for reductions of about twenty percent. One project designed to meet the needs of handicapped children would be unfundable.

Development of new programs planned for drop-out prevention and nutrition and health would have to be cancelled. Administrative services including evaluation, dissemination and monitoring would be reduced at least twenty-five percent. At least two positions on the staff of the Board of Education would be unsupported. All of these reductions and cancellations would result in the loss of some existing personnel and the inability to provide employment for persons to staff new projects.

Every public school in the District of Columbia would be adversely affected by the loss of these funds because each of the approximately 200 schools is scheduled to receive some funding support from the part B allocation. Several part C programs are citywide in nature. Most heavily affected would be five schools which would lose support for innovative programs, at least four schools scheduled to obtain initial support for new programs from part C, and fifty schools scheduled to participate in or receive services from part C programs.

Some of the ESEA Title III Projects funded through FY 1975 which would have to be considered for elimination or reduction without corrective legislative action are the Junior-Senior High Tutor/Aide Program at Malcolm X Elementary School, the Model Comprehensive Program in Urban Environmental Education, Project Advance at the Morse Crisis Intervention Center, Project Inspire at Francis Junior High School, the Training Center for Open Space Schools, Mainstream Programming for Behaviorally Problem Students, and the Lenox Early Childhood Outreach Program for Parents. These are just some of the existing programs which would be among the choices facing the school system for reduction or elimination if Title IV funding authorization is not added to the law.

The threat of loss of funding to these programs is unnecessary and unintentional; nevertheless, it is very real unless positive legislative steps are taken as soon as possible. Timely action by the Congress would allow the planning, preparation, and administration of these programs to continue in the current fiscal year.

Sincerely,

DAVID A. SPLITT,
General Counsel, D.C. Board of Education.

LEGISLATIVE HISTORY

H.R. 10035, the bill to authorize a judicial conference of the District of Columbia passed the House of Representatives on November 10, 1975, by a vote of 337-0. It was referred to the committee on November 11, 1975. A hearing was held on December 3, 1975, at which Chief Judge Gerard D. Reilly, and Judges John W. Kern III and Stanley S. Harris appeared. There were no adverse witnesses.

COMMITTEE VOTE

The Committee on the District of Columbia by unanimous vote approved H.R. 10035, as amended, on December 9, 1975.

COSTS

Based upon estimates presented at the hearing the cost of holding a judicial conference should not exceed \$500 per year. The Chief Judge said it was his intention to require the individual participants to pay their own personal expenses. The cost of the amendment to the Education Amendments of 1974 is estimated to be \$454,780 for the present fiscal year. A similar amount would be required in subsequent fiscal years.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

CHAPTER 7 OF TITLE 11, DISTRICT OF COLUMBIA CODE

CHAPTER 7.—DISTRICT OF COLUMBIA COURT OF APPEALS

SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

Sec.

- 11-701. Continuation of court; court of record; seal.
- 11-702. Composition.
- 11-703. Judges; service; compensation.
- 11-704. Oath of judges.
- 11-705. Assignment of judges; divisions; hearings.
- 11-706. Absence, disability, or disqualification of judges; vacancies; quorum.
- 11-707. Assignment of judges to and from Superior Court.
- 11-708. Clerks and secretaries for judges.
- 11-709. Reports.

SUBCHAPTER II.—JURISDICTION

- 11-721. Orders and judgments of the Superior Court.
- 11-722. Administrative orders and decisions.

SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

- 11-741. Contempt powers.
- 11-742. Oaths, affirmations, and acknowledgements.
- 11-743. Rules of courts.
- 11-744. Judicial conference

* * * * *

§ 11-744. Judicial conference

The chief judge of the District of Columbia Court of Appeals shall summon annually the active associate judges of the District of Columbia Court of Appeals and the active judges of the Superior Court of the District of Columbia to a conference at a time and place that he designates, for the purpose of advising as to means of improving the administration of justice within the District of Columbia. He shall preside at such conference which shall be known as the Judicial Conference of the District of Columbia. Every judge summoned shall attend, and, unless excused by the chief judge of the District of Columbia Courts of Appeals, shall remain throughout the conference. The District of Columbia Court of Appeals shall provide by its rules for representation of and active participation by members of the District of Columbia Bar and other persons active in the legal profession at such conference.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AS AMENDED

TITLE VIII—GENERAL PROVISIONS

DEFINITIONS

SECTION 801. As used in titles II, III, IV, V, VI,¹ and VII of this Act, except when otherwise specified—

¹ Repealed effective July 1, 1971.



JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA

NOVEMBER 3, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DIGGS, from the Committee on the District of Columbia, submitted the following

R E P O R T

[To accompany H.R. 10035]

The Committee on the District of Columbia, to whom was referred the bill (H.R. 10035) to establish the Judicial Conference of the District of Columbia, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 10035 is to authorize and direct the Chief Judge of the D.C. Court of Appeals to convene an annual judicial conference designed to improve the operation of the civil and criminal justice system in the District of Columbia. The bill would provide a mechanism whereby the local bench and the bar are brought together periodically on a regular basis to discuss major problems incident to the administration and enforcement of the laws of the District of Columbia, and to make recommendations for solutions to such problems.

MAJOR PROVISIONS OF THE BILL

The bill directs the Chief Judge of the District of Columbia Court of Appeals to summon annually the active judges of the D.C. Court of Appeals and of the Superior Court, the appellate and trial court judges, respectively, of the District of Columbia for a judicial conference. In addition, the D.C. Court of Appeals is directed to provide by its rules for the representation of, and active participation by, members of the District of Columbia Bar and other persons active in the legal profession at such conference. The Chief Judge of the D.C. Court of Appeals has indicated that invited delegates will be broadly representative of the legal profession, including active private practitioners, law professors, the U.S. Attorney, the Public Defender, and the Corporation Counsel.

It is intended that all delegates have a vote and be expected to participate fully in conference work. Every judge summoned will attend, and, unless excused by the Chief Judge, will remain throughout the conference. This bill authorizes and directs the Chief Judge to conduct an annual judicial conference similar to those which the Courts of Appeal in the various Federal Circuits hold pursuant to 28 U.S.C. § 333, but it will be confined to local, rather than Federal, judicial matters. The judicial conference proposed by the bill is in accord with the practice of the states, the great majority of which have established such a mechanism for ascertaining and solving problems concerning the procedure and administration of the courts.

BACKGROUND OF THE COURTS OF THE DISTRICT OF COLUMBIA

Until 1942, the only important court of general jurisdiction in the District of Columbia was the United States District Court which heard criminal and civil cases arising under the D.C. Code as well as all Federal matters. The United States Court of Appeals for the District of Columbia Circuit was vested with appellate review of judgments of the U.S. District Court.

There were, however, three petty courts: (1) the Police Court, which exercised jurisdiction over traffic and breaches of ordinance or regulations adopted by the D.C. Board of Commissioners; (2) a Municipal Court which heard damage actions for small claims; and (3) a Juvenile Court. Under the D.C. Judicial Reorganization Act of April 1, 1942 (56 Stat. 190), the Police Court and the Municipal Court were merged into what was called the Municipal Court of the District of Columbia and was given jurisdiction over misdemeanors arising under the D.C. Code and actions for damages up to \$10,000. This 1942 Act also created a Municipal Court of Appeals, the predecessor of the present District of Columbia Court of Appeals.

The next local judicial reorganization act of any importance was the Act of December 23, 1963 (77 Stat. 478), effective January 1, 1964. Under this Act, the name of the Municipal Court was changed to Court of General Sessions and was given additional jurisdiction, *viz.*, domestic relations and landlord-tenant cases. Under this Act, the name of the Municipal Court of Appeals was changed to the District of Columbia Court of Appeals which still continued as a three-judge court. By 1967, the volume of local appeals had increased sufficiently so that the court was enlarged by an Act of Congress to authorize the appointment of six rather than three judges. It remained an intermediate appellate court as its decisions could be reviewed by the United States Court of Appeals for the D.C. Circuit on applications for leave to appeal. In other words, the U.S. Circuit Court for the District of Columbia had discretionary review.

A much more sweeping reform was accomplished by the District of Columbia Court Reform and Criminal Procedure Act of 1970 (84 Stat. 473). This Act, in a three-stage phase-out, removed from the United States District Court for the District of Columbia all jurisdiction over criminal matters, including felonies arising under the D.C. Code, and all civil matters not otherwise provided for by statute. Such matters were transferred to a new trial court called the Superior Court of the District of Columbia to which, in addition to its new jurisdiction, was given all jurisdiction which had been previously

vested in the Court of General Sessions, the Juvenile Court, and the D.C. Tax Court. These latter courts were abolished by the act, but the judges thereof were made part of the new Superior Court bench.

The D.C. Court of Appeals was given appellate jurisdiction over the Superior Court as well as review over all District of Columbia agencies, the D.C. Commissioner, and the D.C. Council. Perhaps more importantly, this court was made the court of last resort for the District, as its decisions were made subject to review directly by the United States Supreme Court. The membership of the court was increased from six to nine, and for all practical purposes the jurisdiction of the D.C. Court of Appeals was made equivalent to that of a state supreme court.

The District of Columbia Self-Government and Governmental Reorganization Act, December 24, 1973 (87 Stat. 774) (the "Home Rule" Act), did not affect the jurisdiction of the D.C. courts.¹ Congress rather than the D.C. Council, retained the exclusive power to legislate on judicial matters encompassed within Title 11 of the D.C. Code.

NEED FOR LEGISLATION

Since 1939, 28 U.S.C. § 333 has authorized the Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit to convene annually a conference of judges and lawyers in the District and this conference frequently dealt with local as well as Federal matters. However, the Congress, under the terms of the District of Columbia Court Reform and Criminal Procedure Act of 1970, 84 Stat. 473, divested the Federal courts in the District of Columbia of jurisdiction over all purely local matters and transferred such jurisdiction to the D.C. Superior Court and the D.C. Court of Appeals.

As a result of this separation of the court systems in the District, only the Federal court is authorized to conduct a judicial conference. This continuing judicial conference conducted by the U.S. Court of Appeals for the District of Columbia Circuit is limited by 28 U.S.C. § 333 to the "business of the courts," which necessarily excludes the business of the local courts. H.R. 10035, authorizing an annual judicial conference to deal with local rather than Federal matters, will fill this need.

An additional justification for this legislation is based on the enlarged jurisdiction given the D.C. Superior Court and the D.C. Court of Appeals, which has resulted in substantially increased caseloads at the trial as well as appellate levels. Consequently, the need for a judicial conference to deal with this problem is a compelling one.

LEGISLATIVE HISTORY

The bill to authorize a judicial conference for the District of Columbia was first introduced in the House by Chairman Diggs (by request) on March 5, 1975, as H.R. 4286, and on September 25, 1975, hearings and markup were held by the Judiciary Subcommittee.

¹ However, two changes relating to the selection of judges were made by the "Home Rule" Act: (1) nominations for future vacancies on the bench are to be made by a Judicial Nomination Commission which is to submit a list of three names to the President for his consideration in appointing new judges, subject to Senate confirmation; (2) the Commission on Judicial Disabilities and Tenure was given new responsibilities for evaluating and passing upon sitting judges seeking reappointment.

Testifying in support of the bill were three distinguished judges of the D.C. Court of Appeals: Chief Judge Gerald D. Reilly, Associate Judge John W. Kern, III, and Associate Judge Stanley S. Harris. No expressions in opposition to the legislation have been received by the Committee. The bill was favorably reported to the Full Committee, with an amendment changing the name by which the conference would be known, and also a few minor technical changes were made to the language of the bill. A clean bill incorporating same was introduced as H.R. 10035.

The Committee by unanimous voice vote approved H.R. 10035 on November 3, 1975.

DEPARTMENTAL REPORTS

The report to the Chairman on this legislation from the Chief Judge of the D.C. Court of Appeals, follows:

DISTRICT OF COLUMBIA COURT OF APPEALS,
Washington, D.C., May 2, 1975.

Hon. CHARLES C. DIGGS, Jr.,
*Chairman, Committee of the District of Columbia,
U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: I have your letter of March 12, 1975, requesting the views of this court on H.R. 4286, which would add a new section to the D.C. Code (§ 11-744), directing the District of Columbia Court of Appeals to hold an annual judicial conference. We believe the proposed legislation would improve the operation of the civil and criminal justice system in this jurisdiction, and accordingly recommend favorable consideration by your committee.

The objective of the bill is to provide a mechanism whereby the bench and the bar are brought together periodically to discuss major problems incident to the administration and enforcement of the laws of the District and to propose methods of dealing with such problems.

Comparable federal legislation has existed since 1939 with the enactment of Public Law 76-299, 28 U.S.C. § 333 requiring annual judicial conferences in every United States circuit. The purpose of establishing such a program as reported in Senate documents at that time reflects the desirability of similar local legislation.

"... this bill gives that judicial conference an official position, requires it to be held, requires the circuit judges to make rules providing for the admission of members of it, not merely as invitees, but as actual participants by right, of members of the bar, so that with an official status the lawyers of a particular circuit will feel perfectly free, indeed will feel an obligation of responsibility, to bring to the attention of the courts whatever matters of criticism they have found to exist . . ." (Senate Report 76-426 on S. 188 at p. 3, Senate Hearings on S. 188, April 4-5, 1939, at p. 11.)

Until the Federal courts here were divested of jurisdiction over purely District of Columbia matters—such jurisdiction being transferred to the Superior Court and the D.C. Court of Appeals by the D.C. Court Reform and Criminal Procedure Act of 1970—the annual judicial conference of this circuit served a dual purpose. Frequently discussions at such conferences among members of the bar and the appellate and trial judges in attendance resulted in the appointment of

study committees in areas of District of Columbia law in which it was felt that reform was needed. Where such reports in particular fields were then threshed out in ensuing conferences and gained widespread acceptance by the conferees, these reports often bore fruit in the form of Congressional amendments to the District of Columbia Code. Some recent examples that come to mind have been the succession of judicial reorganization acts, local amendments to the Bail Reform Act of 1968, and numerous changes in the laws relating to local criminal procedure. Although the U.S. Court of Appeals for this circuit has and will continue to hold annual judicial conferences, the scope of those conferences is limited by 28 U.S.C. § 333 to "the business of the courts" of the circuit, i.e., the Federal Court of Appeals itself and the U.S. District Court. As this excludes by implication the business of this court and our Superior Court, enactment of the proposed bill would fill this gap.

If approved, the proposed legislation would establish a completely local judicial conference not concerned with Federal matters. All of the judges of this court and the Superior Court would be voting delegates, as would the members of the bar invited to participate. Such members would include not only active private practitioners in the local courts and representative professors from our law schools, but also the United States Attorney, the Public Defender, and the Corporation Counsel with certain members of their staffs. In the light of the recent home rule legislation, such local conferences would seem desirable and in harmony with the spirit of that charter.

Respectfully submitted.

GERARD D. REILLY,
Chief Judge.

STATEMENTS REQUIRED BY RULE XI(1)(3) OF HOUSE RULES

Oversight Findings and Recommendations

The Committee's oversight findings with respect to the matter with which the bill is concerned remains as a part of its continuing Congressional oversight required by the Constitution and specifically provided for in the Home Rule Act (Sections 601, 602, 604 and 731 of Public Law 93-198).

Budget Authority

This local legislation for the District of Columbia creates no new budget authority or tax expenditure by the Federal Government. Therefore, a statement required by Section 308(a) of the Congressional Budget and Impoundment Control Act of 1974 is not necessary.

Congressional Budget Office Estimates and Comparison

No estimate and comparison of costs has been received by the Committee from the Director of the Congressional Budget Office, pursuant to Section 403 of the Congressional Budget and Impoundment Control Act of 1974. See cost estimate below by this Committee.

Committee on Government Operations Summary

No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations under clause 2(b)(2) of Rule X.

Costs

It is estimated that the operational costs for the judicial conference authorized by this legislation will be approximately \$1000 annually.

Inflationary Impact

H.R. 10035, if enacted into law, will have no foreseeable inflationary impact on prices or costs in the operation of the national economy.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHAPTER 7 OF TITLE 11, DISTRICT OF COLUMBIA CODE**CHAPTER 7.—DISTRICT OF COLUMBIA COURT OF APPEALS****SUBCHAPTER I.—CONTINUATION AND ORGANIZATION**

Sec.

- 11-701. Continuation of court; court of record; seal.
- 11-702. Composition.
- 11-703. Judges; service; compensation.
- 11-704. Oath of judges.
- 11-705. Assignment of judges; divisions; hearings.
- 11-706. Absence, disability, or disqualification of judges; vacancies; quorum.
- 11-707. Assignment of judges to and from Superior Court.
- 11-708. Clerks and secretaries for judges.
- 11-709. Reports.

SUBCHAPTER II.—JURISDICTION

- 11-721. Orders and judgments of the Superior Court.
- 11-722. Administrative orders and decisions.

SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

- 11-741. Contempt powers.
- 11-742. Oaths, affirmations, and acknowledgements.
- 11-743. Rules of courts.
- 11-744. *Judicial conference*

* * * * *

§ 11-744. Judicial conference

The chief judge of the District of Columbia Court of Appeals shall summon annually the active associate judges of the District of Columbia Court of Appeals and the active judges of the Superior Court of the District of Columbia to a conference at a time and place that he designates, for the purpose of advising as to means of improving the administration of justice within the District of Columbia. He shall preside at such conference which shall be known as the Judicial Conference of the District of Columbia. Every judge summoned shall attend, and, unless excused by the chief judge of the District of Columbia Courts of Appeals, shall remain throughout the conference. The District of Columbia Court of Appeals shall provide by its rules for representation of and active participation by members of the District of Columbia Bar and other persons active in the legal profession at such conference.

H. R. 10035

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begin and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To establish the Judicial Conference of the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That (a) subchapter
III of chapter 7 of title 11 of the District of Columbia Code is amended
by adding at the end thereof the following new section:*

“§ 11-744. Judicial conference”.

“The chief judge of the District of Columbia Court of Appeals shall summon annually the active associate judges of the District of Columbia Court of Appeals and the active judges of the Superior Court of the District of Columbia to a conference at a time and place that he designates, for the purpose of advising as to means of improving the administration of justice within the District of Columbia. He shall preside at such conference which shall be known as the Judicial Conference of the District of Columbia. Every judge summoned shall attend, and, unless excused by the chief judge of the District of Columbia Courts of Appeals, shall remain throughout the conference. The District of Columbia Court of Appeals shall provide by its rules for representation of and active participation by members of the District of Columbia Bar and other persons active in the legal profession at such conference.”.

(b) The chapter analysis for such chapter 7 is amended by inserting immediately after the item relating to section 11-743 the following new item:

“11-744. Judicial conference.”.

(c) The portion of section 801 of the Elementary and Secondary Education Act of 1965 which precedes subsection (a), is amended by striking out “As used in titles II, III, V, VI, and VII,” and inserting in lieu thereof, “As used in titles II, III, IV, V, VI, and VII”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 22, 1975

Dear Mr. Director:

The following bills were received at the White House on December 22nd:

- ✓ H.J. Res. 749 ✓ H.R. 8304 ✓ H.R. 11184 ✓
- ✓ H.R. 4016 ✓ H.R. 9968 ✓ S.J. Res. 157 ✓
- ✓ H.R. 4287 ✓ H.R. 10035 ✓ S. 95 ✓
- ✓ H.R. 4573 ✓ H.R. 10284 ✓ S. 322 ✓
- ✓ H.R. 5900 ✓ H.R. 10355 ✓ S. 1469 ✓
- ✓ H.R. 6673 ✓ H.R. 10727 ✓ S. 2327 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.