

Pleadings, Evidence, Trial Problems, Hearing Officers, Judicial Review, Uniform Rules, Office of Federal Administrative Procedure, and Style.<sup>2</sup>

These Committees conducted studies of the subjects assigned to them by the Conference. Some of them conducted extensive hearings. They summoned to their assistance prominent experts in the field, who were denominated consultants. The Committees prepared reports, some of which were extensive and contained much basic material. These reports were circulated to the members of the Conference but were not debated or acted upon by the Conference. The Committees also submitted "recommendations," which were direct and succinct and based upon or drawn from reports. The recommendations were placed on the agenda of the Conference and were debated and adopted or rejected. When adopted, they were referred to the Committee on Style for editorial revision. This procedure was, generally speaking, the procedure usually followed by legislative bodies.

The Conference held four plenary sessions, June 10, 11, 1953, November 23, 24, 1953, October 14, 15, 1954, and November 8, 9, 1954. It adopted 35 recommendations, 2 addressed to the President, 3 to the Judicial Conference, 7 to the Civil Service Commission, 1 to the General Services Administration, and 22 to the various Government agencies. It adopted a final report, which was duly transmitted to the President. As its final action the Conference adopted a resolution recommending that a similar Conference be established on a permanent basis. President Eisenhower acknowledged receipt of the report on March 3, 1955, and said, in part:

"The work of the Conference has shown that an exchange of experience and views between Federal administrators and between them and members of the practicing bar and the judiciary produces useful results. I am confident that means will be devised for continuing such cooperative effort."

The resolution respecting a permanent Conference was referred by the President to the Attorney General.

Thereafter several parallel series of events ensued. The Judicial Conference of the District of Columbia Circuit, the American Bar Association, the Federal Bar Association, and the chairmen of the large independent agencies all studied and took action in respect to the proposal for a permanent Conference of the agencies respecting their procedure and other problems.

In the fall of 1958, in preparing for the Judicial Conference of the District of Columbia Circuit to be held in the spring of 1959, the Committee on Arrangements listed as one topic for the consideration of the Conference "Problems of Administrative Law."

This Circuit Judicial Conference consists of all the Federal judges on the district court and the circuit court of appeals, various Federal and municipal law officials, and about 120 members of the practicing bar who are selected by a committee of judges and lawyers. Several months before a meeting of the Conference its Committee on Arrangements selects topics for debate, consideration, and action. Study groups, usually composed of 20 or 25 members each, are assigned to study and present recommendations on these topics. The membership of the 1959 Conference included a number of Government attorneys and a large number of attorneys engaged in practice before the administrative agencies.

The study group on the administrative law topic was chairmanned by William C. Koplovitz, Esquire. It presented three reports. All reports recommended the establishment of a permanent Conference on Administrative Procedure but they differed on machinery.

One report recommended that the Attorney General call together a group to formulate plans for the Conference and to make appropriate recommendations to the President for its establishment. Another report recommended that the President call an interim Conference pending enactment of a statute, and that the permanent Conference be established by legislation. The third report recommended that the chairmen of the seven large independent agencies meet and establish the Conference.

After extensive debate the Judicial Conference adopted the second of these proposed recommendations; that is, an interim conference to be established by the President and a permanent conference to be established by an act of

<sup>2</sup> The Chairmen of these Committees were John C. Doerfer, Allison, Rupert, Emory T. Nunneley, Jr., Edmund L. Jones, Earl W. Kintner, Lambert McAllister, Thomas J. Herbert, John A. Danaher, and Conrad E. Snow.