

Congress. That recommendation was transmitted to the Judicial Conference of the United States, which at its September 1959 meeting appointed a committee to consider the matter. At its meeting in March 1960, this Conference—i.e., the Judicial Conference of the United States—adopted the following resolution:

Resolved, That this Conference approves the establishment of a permanent conference on the procedures of executive departments and administrative agencies in adjudications and rulemakings, in which conference representatives of the departments, the agencies, and the practicing bar would participate, for the purpose of exchanging information and making recommendations to the several agencies and departments for the improvement of the administration of justice by them. The Chief Justice, as Chairman of this Conference, is authorized to communicate this action, at such times as he deems appropriate, to the President and to such other officers, including Members of the Congress, as may be concerned with this subject from time to time; and the Chief Justice is further authorized to implement this action further in such other ways as he may deem appropriate."

Chief Justice Warren thereafter transmitted the resolution to President Eisenhower, together with his own strong personal recommendation for such a conference.

In the meantime, coincident with the study undertaken by the Judicial Conference (District of Columbia) a special committee of the Federal Bar Association began a study of the matter and made a report to the national council of that association. On May 20, 1959, the day before the meeting of the District of Columbia Judicial Conference, the national council of the Federal bar unanimously adopted a resolution which endorsed the concept of a permanent conference, and called upon the Attorney General to invite a committee of representatives of the agencies and the practicing bar to formulate plans to be presented to the President for such a conference. The Federal bar, it can be safely said, was opposed to legislation as an initial step.

On September 24, 1959, Chief Justice Warren addressed the annual convention of the Federal Bar Association in a speech which was one of the key events in the development of administrative law in recent years. Among other things he said:

"Today it is generally recognized that far too many administrative proceedings in Federal agencies are also subject to excessive and unnecessary delay. Perhaps even more discouraging in the agency proceedings is the fact that meaningful information on the state of the backlog, and the extent of the delay, is not even available.

"This is true because there presently exist few criteria or standards for determining how long it should normally take to get final agency action on the ordinary administrative case.

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"If there is anything which symbolizes the disillusion of the American people—of the lay public—in our legal system, it is the factor of unconscionable delay.

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"Turning briefly to the legal services performed in the administrative agencies, I know that many of you are aware that last year 21 Federal administrative agencies terminated in excess of 25,000 proceedings, and that the trend is continually upward. * * *

"For this reason, I am particularly glad to inform you that the Judicial Conference of the United States, at its meeting last week, approved in principle the proposal for a Permanent Conference on Administrative Procedure—which the Federal Bar Association and judges have been advocating.

"Such a conference—composed basically of agency representatives, but with practicing lawyers and other participants as well, is sorely needed to conduct continuing and practical studies of ways to eliminate undue delay, expense, and volume of hearing record; to develop uniform rules of practice and procedure; and generally to promote greater efficiency and economy in the administrative process."

Also in the meantime, at the meeting of the Council of the Administrative Law Section of the American Bar Association at Miami in August 1959, a resolution was adopted endorsing the idea of a Permanent Conference on Administrative Procedure, the steps to be an interim conference to be set up by the President and a permanent conference to be created by the Congress. This, we may note, was