

plained of the court for good cause may extend the time for filing the petition 60 days.

Is it "for good cause" with or without hearing, or what?

In other words, may a petitioner file with the court and just go before the court on his own motion and get the court to extend up to 60 days?

MR. GINNANE. Under the universal court rules, the person filing such a petition would be required to serve it upon the Commission and the Department.

As a practical matter, if he files it on the 59th day asking that the time be extended, as a practical matter, the court is going to have to act immediately or not at all.

In those circumstances, in effect, it would be an ex parte procedural decision which the court would have to make but I don't know of any way to get around it.

MR. WATSON. If you need any extension, quite often I have found in practice you discover it right near the expiration of the initial period.

I am sure there is a practical problem of getting some of the agency's attorneys in.

Perhaps, Mr. Chairman, as legislative history we could spell that out.

Later on in the same paragraph we make references to what the petition shall contain.

Are we referring to the petition for delay or the petition on appeal? I think you are referring to the petition on appeal; is that correct?

MR. GINNANE. There, we are talking about the petition for an extension of time for the filing of the petition for review.

MR. WATSON. In the next sentence you say the petition shall contain a concise statement of A, B, C, D, and E.

MR. GINNANE. That would be the petition for the review itself.

MR. WATSON. Do you intend that this include the grounds upon which the delay is to be predicated if granted at all?

MR. GINNANE. That is right—what is the petitioners justification for seeking an extension of time—what good reasons does he have?

MR. WATSON. You do not anticipate these changes in the existing law will delay the final adjudication of any of these matters?

MR. GINNANE. A year or two ago I made a study of the time it took some of the courts of appeals to dispose of reviews by administrative orders and the average time in the three-judge courts and they were so close together in time that it did not seem to make much difference one way or the other on the average.

MR. WATSON. You don't anticipate any material change?

MR. GINNANE. On the average not at all.

MR. WATSON. Thank you, Mr. Chairman.

THE CHAIRMAN. Are there any further questions?

MR. HARVEY. Looking at section 2 with regard to existing cases, do I understand correctly that in the pending cases they would continue under the same procedure as heretofore provided?

Would that be all the way through to appeal?

MR. GINNANE. That is correct; and the purpose of that is to allow a transition time for the bar to become accustomed to the new judicial review procedure.