



JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

JUDGE WM. TERRELL HODGES
Chairman, Executive Committee

November 2, 1998

TELEPHONE:
(904) 232-1852

Honorable Byron R. White
Chair, Commission on Structural Alternatives
for the Federal Courts of Appeals
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Washington, D.C. 20544

Dear Justice White:

I write as the Chair of the Executive Committee of the Judicial Conference of the United States to thank you for the invitation to comment on the tentative draft report of the Commission on Structural Alternatives for the Federal Courts of Appeals.

As the policy-making body for the federal judiciary, the Judicial Conference has a vital interest in the work of the Commission and may well state, in due time, a formal position with respect to each of the several recommendations contained in the Commission's report. However, as you know, the Judicial Conference functions through its committee system, and the Conference itself meets only twice a year to consider and act upon the intervening reports submitted by its committees. Thus, while I fully recognize the rigid time constraints placed upon the Commission by the Congress, it will not be possible for the Judicial Conference to state its views until the Commission's report has been carefully considered by the appropriate committees of the Conference, and the Conference itself has had an opportunity to consider the matter at its next plenary session in March, 1999.

Under these circumstances, therefore, the Executive Committee of the Judicial Conference thought it appropriate for me to alert you concerning our inability to provide comment at this time lest our silence be interpreted as acquiescence in the various recommendations advanced in the draft report. Indeed, one committee of the Conference has already expressed grave concerns about some of the Commission's proposals of system-wide application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Wm. Terrell Hodges".

Wm. Terrell Hodges

cc: Chief Justice and Members of the Judicial Conference of the United States