

Minutes of the Annual Seventh Circuit Conference held on  
Friday, June 9, 1950.

The Annual Seventh Circuit Conference convened at 9:30 A.M.  
Friday, June 9, 1950 in the United States of Appeals  
Building, 1212 Lake Shore Drive, Chicago, Illinois

Present were:

Hon. Sherman Minton, Circuit Justice  
Hon. J. Earl Major, Chief Judge  
Hon. Otto Kerner, Circuit Judge  
Hon. F. Ryan Duffy, Circuit Judge  
Hon. Philip J. Finnegan, Circuit Judge  
Hon. Walter C. Lindley, Circuit Judge  
Hon. H. Nathan Swaim, Circuit Judge  
Hon. Fred. L. Wham, District Judge  
Hon. John P. Barnes, District Judge  
Hon. Charles G. Briggles, District Judge  
Hon. Patrick T. Stone, District Judge  
Hon. Philip L. Sullivan, District Judge  
Hon. J. Leroy Adair, District Judge  
Hon. Michael L. Igoe, District Judge  
Hon. William J. Campbell, District Judge  
Hon. Luther M. Swygert, District Judge  
Hon. Walter O. LaBuy, District Judge  
Hon. Elwyn R. Shaw, District Judge  
Hon. Robert E. Tehan, District Judge  
Hon. Casper Platt, District Judge  
Hon. William E. Steckler, District Judge  
Hon. William H. Holly, District Judge (Retired)  
Mr. Henry P. Chandler, Director, Administrative Office  
of the U.S. Courts  
Mr. Kenneth J. Carrick, Secretary of the Conference

Hon. J. Earl Major, Chief Judge of the Seventh Circuit convened the Conference. He expressed his pleasure at again meeting with the Judges of the Circuit and especially welcomed Hon. Sherman Minton, Associate Justice of the United States Supreme Court and Circuit Justice of the Seventh Circuit. He thanked the Committee on Arrangements for their preparation of the Agenda and their work in connection with the representatives of the Bar who will give their views at the afternoon session. He welcomed Mr. Chandler, Director of the Administrative Office and requested him to address the Conference.

Mr. Chandler made very detailed statistical remarks on the finances of the United States Courts and its Budget. He read from tables comparing the personnel and the Budget of the United States Courts in 1941 with 1951. He advised the Conference on the progress of the Bill for creation of additional Judgeships. He reported on the Proposed Amendment to the Act providing for Three Judge Expediting Courts in Anti-Trust Cases which would permit the Chief Judge of the Circuit to refer the matter to a single Judge.

Major, Chief Judge, called upon Kerner, C.J. to read the Memorial Resolution to the late Judge William M. Sparks as prepared by him.

Kerner, C.J. then read the Memorial Resolution to the late Judge William M. Sparks as follows:

#### RESOLUTION

#### MEMORIAL TO JUDGE WILLIAM M. SPARKS

"On January 7, 1950, came the sad and shocking news of the passing of Will M. Sparks. His death brought real sadness to the hearts of all his friends.

He was born in Charlottesville, Indiana, on April 28, 1872, the son of James Bascomb Sparks, a physician, and Harriett Jane (Johnson) Sparks. He obtained his A.B. degree from DePauw University at Greencastle, Indiana. Following his graduation he attended Indiana Law School and was admitted to practice in 1895. On November 23, 1897, he married Della Young. She preceded him in death by two years. To them two children were born -- Dorothy Young, now Mrs. Foster, and William George, who became a highly respected and successful lawyer in Indianapolis. He, too, died suddenly, on December 28, 1941.

After his admission to the bar, Judge Sparks engaged in the general practice of law, and while so engaged, in 1901, he was elected a member of the Indiana Legislature. In 1904 he was elected Judge of the Circuit Court for Indiana's 16th Judicial Circuit and there served until 1910. From 1910 to 1914 he engaged in the practice of law, but in 1914 he returned to the bench and served until 1929. In 1929 President Hoover nominated him Judge of the United States Circuit Court of Appeals, Seventh Circuit. The nomination was unanimously approved by the United States Senate and Judge Sparks was commissioned a member of this court on October 31, 1929, and served most ably until his retirement on November 13, 1948. At the time of his retirement he was Chief Judge of the court. His total judicial service in the Indiana Circuit Court and United States Court of Appeals covered a period of forty years. During those forty long years the life of Judge Sparks was one of great power gently exercised. He possessed high integrity, both moral and intellectual. He loved his work with a real zeal, was direct in his approach to problems and in their solution, and had a real sense of justice and courage to follow it. He never lost the simplicity and modesty that were the wellspring of his character. He was kindly in his human contacts. His sympathy for all, his tolerance, his gracious and pleasing personality and his great heart endeared him to all who knew him.

He was a devout and active member of the Methodist Church. He was very fond of young people and taught a Bible class and played the organ in his church until his duties as a member of this court required that he spend most of his time in Chicago. He was a delightful companion and visited easily. He had a keen sense of humor and enjoyed a good story - none so much as the one he could tell on himself. We miss seeing his kind and gently countenance; his hearty laughter; his piercing wit; and above all his wise and just counsel. We have lost a friend.

The high esteem in which he was held by the people of Indiana is truthfully recorded in one of Indiana's newspapers thus: "Faithful to his church, to his fraternal associations and to his civic responsibility, Judge Sparks came to be a kind of institution for the better way of living. A good man and true, who held the common touch in a lifetime of public service in high places. Judge Sparks will be remembered into storied time for his kindness as much as for his great judicial capacities."

It is accordingly

RESOLVED, that we express our profound sorrow at the death of Chief Judge Will M. Sparks and our thankfulness for the enduring contributions which this modest, gentle

and wise judge has made to justice and to the administration of law."

It was moved by Kerner, C. J. that the Memorial Resolution be spread upon the Record of the Conference and adopted as a Resolution of the Conference. Motion seconded by Briggles, D.J. Motion carried.

Major, Chief Judge, then called upon Minton, Circuit Justice, to address the Conference. Minton, Circuit Justice, spoke of his pleasure at being present at the Conference of his own Circuit. He informed the Conference of customs prevailing at hearings and conferences of the Supreme Court and told of a number of his experiences as a Member of that Court.

Major, Chief Judge, thanked Minton, Circuit Justice, for honoring the Conference and expressed his personal pleasure at his attendance.

Major, Chief Judge, called for discussion on Item 4 of the Agenda "General Discussion".

- Item 4 (a) The proper place of restitution in conditions of probation, and under what circumstances the probation officer should be required to collect restitution.

Statement was made by Barnes, D.J. Remarks were made by LaBuy, D.J. and Briggles, D.J. No action was taken by the Conference as apparently the problem will decline greatly in importance as fewer veterans will be indicted in the future.

- Item 4 (b) "Should the Statute concerning jury fees be amended."

Statement was made by Swygert, D.J. Remarks were made by Campbell, D.J., Mr. Chandler, Briggles, D.J., Barnes, D.J., Stone, D.J., Shaw, D.J., and Wham, D.J. It was moved by Briggles, D.J., that the conference recommend:

- (1) that travel allowances of Jurors be limited to the amount of the subsistence allowance,
- (2) that when Jurors travel by common carrier they be reimbursed only in the amount of their actual travel expenses,
- (3) that when more than one Juror travels by the same automobile, the owner of the automobile only be reimbursed.

This motion was not seconded or carried. Barnes, D.J. then moved to refer this matter to the Administrative Office for consideration. Motion seconded by Campbell, D.J. Motion carried.

Item 4 (c) was passed at this time and the conference adjourned for lunch at 12:30 P.M.

The afternoon Session of the Conference was convened by Major, Chief Judge after a magnificent lunch at the Knickerbocker Hotel. Major, Chief Judge called on Campbell, D.J., chairman of the Committee on Arrangements to assume the chair. Campbell, D.J. thanked the Circuit Judges, who had been hosts of the Conference for their hospitality. He introduced representatives of the Bar of the Circuit. Each of the following members of the Bar addressed the Conference with well chosen and enlightening statements:

Mr. Verne G. Cawley,  
Elkhart, Indiana,  
Past President, Indiana State Bar Association.

Mr. Gerald P. Hayes,  
Milwaukee, Wisconsin  
President, Wisconsin State Bar Association.

Mr. Albert E. Jenner, Jr.,  
Chicago, Illinois  
President, Illinois State Bar Association.

Mr. Kurt Pantzer,  
Indianapolis, Indiana

Mr. Stanley Ryan,  
Janesville, Wisconsin

Mr. Harold A. Smith,  
Chicago, Illinois  
President, Chicago Bar Association.

Campbell, D.J. requested discussion on the remarks of the Speakers. Major, Chief Judge requested information from Mr. Pantzer on the progress of the Proposed Association of the Bar of the U.S. Court of Appeals. Mr. Pantzer replied and requested an indication from the Conference as to the Opinion of the Conference on the proposed Association. It was moved by Finnegan, C.J. that the Conference endorse the formation of an Association as outlined by Mr. Pantzer. Motion seconded by Sullivan, D.J. Motion carried.

Major, Chief Judge resumed the chair and thanked the Committee on the performance of their duties and thanked the members of the Bar for their remarks. He requested discussion by all present on the extent of participation of members of the Bar at future Conferences. Remarks were made by Mr. Smith, Barnes, D.J. Campbell, D.J. Mr. Jenner, Stone, D.J., and Igoe, D.J. Barnes, D.J. moved that at future conferences the Bar of the Circuit be represented by six members thereof and that such members be either the President or some member designated by him of the following Bar Associations: Illinois State Bar Association, Indiana State Bar Association, Wisconsin State Bar Association, Chicago Bar Association, Indianapolis Bar Association, Milwaukee Bar Association. Motion seconded by Campbell, D.J. Motion carried. Barnes, D.J. moved that the next meeting of the Conference be a two day (Thursday and Friday) meeting with an evening dinner for the members of the Conference and their wives. Motion seconded by Campbell, D.J. Motion carried.

Tehan, D.J. advised the Conference of a large increase in the case load of the Eastern District of Wisconsin and suggested that the District would of necessity from this point on probably require the services of an additional Judge and that such condition be made known to the Conference. He stated however that he felt that to so recommend at present might affect the recommendation of the previous Conference for additional Judgeships for this Circuit and did not press for recommendation of the Conference for that reason. Remarks were made by Duffy, C.J. agreeing that the increase in case load for the Eastern District of Wisconsin did justify an additional Judgeship but also agreeing with Tehan, D.J. that for the Conference to make such endorsement might have a detrimental effect on the previous Conference's recommendations for additional Judgeships. In view of the remarks of both Tehan, D.J. and Duffy, C.J. no action was taken by the Conference.

Major, Chief Judge, requested discussion on Item 4 (c) of the Agenda, "Propriety of holding defendants from distant parts of the Country in jail for presentence investigation." Statement was made by Wham, D.J. Remarks were made by Mr. Chandler.

Major, Chief Judge, requested discussion on the Proposed Ammendment to the Three-Judge Expediting Court Act. Remarks were made by Mr. Chandler, Lindley, C.J. and Barnes, D.J. It was moved by Lindley, C.J. that the Attorney General's recommendation in support of the proposed Ammendment be approved by the Conference. Motion seconded by Barnes, D.J. Motion carried.

Campbell, D.J. moved that the Conference express its appreciation to all those who participated for the expression of their views and the efforts they had made. Motion seconded by Sullivan, D.J. Motion carried.

Campbell, D.J. moved that the Chief Judge appoint a Committee on Arrangements for the next conference. Motion seconded by Sullivan, D.J. Motion carried.

It was moved by Sullivan, D.J. that the Conference adjourn. Motion seconded by Campbell, D.J. Motion carried.

Thereupon the Conference adjourned at 4:45 P.M.