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**Burger Proposes
That Bar Consider
Limit on Appeals**

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WASHINGTON, Aug. 6—

Chief Justice Warren E. Burger asked the organized bar today to consider a new screening procedure that would limit the number of appeals that losing parties could take above District Court, the lowest level of the Federal system.

In a speech to the annual meeting of the American Bar Association, the Chief Justice indicated that one goal of the proposal would be to reduce the pressure on the United States Court of Appeals and the Supreme Court from the 20,000 cases filed yearly by prisoners.

The plan tentatively advanced by Mr. Burger—he declined to endorse it himself—would give the Court of Appeals, the intermediate Federal judicial level, the same right to refuse to take jurisdiction of appeals from District Court that the Supreme Court has enjoyed since 1925 with respect to appeals from the Court of Appeals.

As one alternative, the Chief Justice suggested that a litigant losing in District Court might be required "to demonstrate possible merit in his appeal and secure leave to ap-

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peal" before getting a full hearing in the Court of Appeals.

Nine months ago a committee appointed by Chief Justice Burger recommended the creation of a new national court of appeals, just below the Supreme Court, to give screen appeals to the high court and to decide or sidetrack those of lesser consequence.

That proposal aroused considerable opposition among lawyers and judges on the ground that it would limit a constitutional right of access to the Supreme Court. Mr. Burger indicated today that he expected some criticism of the plan for screening Federal cases at a lower level.

"If we want to improve the administration of justice in this country," he declared, "we must try some things that some lawyers and judges may not find convenient or agreeable . . ."

Packs of Cigarettes

Mr. Burger cited an action

brought by a prisoner who charged that a guard had taken seven packs of his cigarettes. Before it was over, the case was heard twice in District Court and once by a three-judge panel in the Court of Appeals, he noted.

"The thousands of prisoner complaints filed in Federal Court reach there by using statutes and procedures intended for quite different purposes but so broadly drawn by Congress or construed by the courts that the umbrella of the law seems to cover them," the Chief Justice declared.

He suggested that the prisons could create complaint procedures that would be mandatory before a prisoner could go to court, and that Federal district judges could refer appeals brought by prisoners to a magistrate for a special hearing.

"We must get away from the rigid idea that all cases and claims must have precisely the same procedure," Mr. Burger said. "Procedure should be tailored to need, not to some abstract standard."

'Staggering Workload'

Not only has the Supreme Court's workload increased numerically by a "staggering" amount, the Chief Justice said, but the complexity of the cases has also multiplied, with a dramatic increase in the number of state and Federal statutes challenged as unconstitutional.

"No person who looks at the facts can rationally assume that nine Justices today can process four or five times as many cases as past Courts that included Taft, Holmes, Brandeis, Cardozo and Hughes—to men-

tioned only a few—and do this task as it ought to be done,"

Mr. Burger declared.

In his annual report on the Federal judiciary, the Chief Justice also called for the following:

¶The abolition of three-judge District Courts that now rule on the constitutionality of statutes, from which a direct appeal can be taken to the Supreme Court.

¶The modification of the diversity rule, under which a case can be tried in Federal Court because the parties live in different states.

¶Approval by Congress of legislation creating 51 new seats on the District Court and 11 on the Court of Appeals.

¶A salary increase for Federal judges, who have had none in the last five years while the wages of private employes and civil servants, according to Mr. Burger, have gone up one-third.

Robert W. Meserve, president of the association, told the meeting he was confident that the bar would discipline any lawyers who have violated the law or ethical standards in connection with any of the episodes being investigated by the Senate Watergate committee.

"Watergate, with all its related events and what I may call the spirit of the times in which such things can happen and result in so little sense of outrage, seems to me to be at least a threat to our liberties and to our very sense of decency," Mr. Meserve declared.