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# Omnibus Hearing in State and Federal Courts

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# THE OMNIBUS HEARING IN STATE AND FEDERAL COURTS

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In 1963, the ABA undertook a massive project to promulgate extensive proposals for *Standards for Criminal Justice.*[1] The goal of the project was to assist in unclogging and improving the process of criminal justice in state and federal courts.[2] Since the project's inception, the ABA has issued and approved a series of reports covering various aspects of the criminal justice system.[3]

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[1] This project was proposed by the Institute of Judicial Administration of the New York University Law School. ABA PROJECT ON STANDARDS FOR CRIMINAL JUSTICE, STANDARDS RELATING TO DISCOVERY AND PROCEDURE BEFORE TRIAL v (Approved Draft, 1970) [hereinafter cited as STANDARDS RELATING TO DISCOVERY]. A pilot study was conducted, and in 1964 the ABA authorized a three-year program budgeted at $750,000. *Id.*

The federal bench has played a prominent role in development of the *Standards.* Chief Justice Burger served as chairman of the ABA's Special Committee on Standards for the Administration of Criminal Justice prior to his appointment as Chief Justice in 1969. Associate Justice Powell was President of the ABA when the project was launched, and also served on the Special Committee on Standards prior to his elevation to the Supreme Court in 1971. Associate Justice Blackmun also was involved in the formulation of the *Standards* before joining the Supreme Court in 1970.

It has been my privilege since 1968 to serve as Chairman of the Committee to Implement the Standards.

[2] *See, e.g., id.* § 1.I(a) (emphasizing need for expeditious and fair procedures). *See also id.* at 1-3.

One of the worst enemies of effective prosecution is excessive delay between apprehension and trial. Witnesses move or die, memories fade, crime victims may become discouraged by the long wait and withdraw their cooperation, and convictions may be reversed because of undue delay in bringing the accused to trial. For these and other reasons, procedures facilitating a speedy trial permeate the ABA *Standards.* The trial of criminal cases is given preference over civil cases. A hard line is taken on granting requests to postpone trial. Defense counsel, for example, are warned not to accept so many cases that they must request postponement.

[3] ABA PROJECT ON STANDARDS FOR CRIMINAL JUSTICE, STANDARDS RELATING TO: FAIR TRIAL AND FREE PRESS; POST-CONVICTION REMEDIES; PLEAS OF GUILTY; APPELLATE REVIEW OF SENTENCES; SPEEDY TRIAL; PROVIDING DEFENSE SERVICES; JOINDER AND SEVERANCE; SENTENCING ALTERNATIVES AND PROCEDURES; PRETRIAL RELEASE; TRIAL BY JURY (most recent versions of preceding titles, Approved Draft, 1968); CRIMINAL APPEALS (Approved Draft, 1970); DISCOVERY AND PROCEDURE BEFORE TRIAL (Approved Draft, 1970); PROBATION (Approved Draft, 1970); ELECTRONIC SURVEILLANCE (Approved Draft, 1971); THE PROSECUTION FUNCTION AND THE DEFENSE FUNCTION (Approved Draft, 1971); THE JUDGE'S

During the past five years, great strides have been made towards the implementation of the ABA *Standards.*[4] However, further success will require the active involvement of the federal trial bench,[5] for the impact of the federal courts on the criminal justice system "has grown significantly in the past ten to fifteen years."[6] Federal judges can have substantial influence on United States attorneys, federal public defenders, and the federal trial bar. Furthermore, state trial judges look to federal judges for leadership. Accordingly, the federal trial bench has an important role to play in the successful implementation of the ABA *Standards.*

In 1970, the ABA approved the *Standards Relating to Discovery and Procedure Before Trial.*[7] Section 5.3 of these *Standards* sets out an innovative procedure—the omnibus hearing—which provides a

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ROLE IN DEALING WITH TRIAL DISRUPTIONS (Approved Draft, 1972); THE URBAN POLICE FUNCTION (Tent. Draft, 1973).

[4] *See* text sections I(A) & (B) *infra.* The first implementation program was held by the ABA at the Judicial Conference, United States Court of Appeals for the Tenth Circuit in 1969. *See* 49 F.R.D. 347-612 (1970). The Conference was attended by Chief Justice Burger and several other important jurists. The Conference launched a nationwide effort and provided practical experience for the development of the program. It was a most successful experiment in federal-state judicial relations and opened the door to valuable exchange and mutual improvement.

[5] The National Conference of Federal Trial Judges has already begun to play an active role in implementation of the ABA *Standards.* The Conference meeting in August 1973 included a program on implementation. *See Reports and Proposals,* 13 CRIM. L. REP. 2415-18 (1973). In addition, Judge Robinson, current Chairman of the Conference, has already charted an aggressive course for this year. *See* 16 ABA BULL., SEC. OF JUD. AD., Nov. 4, 1973, at 11.

Implementation also results from use of the *Standards* by federal judges. This was demonstrated by Chief Judge Bazelon in United States v. DeCoster, 487 F.2d 1197, 1203, 1205 n.40. (D.C. Cir. 1973). In this case, the defendant alleged that he was denied his sixth amendment right to effective assistance of counsel. Chief Judge Bazelon indicated that the ABA *Standards*—specifically the *Standards Relating to the Defense Function*—could serve as a relevant guidepost in this largely uncharted area. The opinion further stated that counsel should be concerned with the accused's right to release pending trial, and made reference to the ABA *Standards Relating to Pretrial Release. Id.* at 1203 n.28.

Chief Justice Burger has indicated that the *Standards Relating to Sentencing Alternatives and Procedures* might be useful in alleviating the severe problems surrounding sentencing in American Courts. *See* Address by Chief Justice Burger, Fourth Annual John F. Sonnett Memorial Lecture, Fordham University Law School, New York City, Nov. 26, 1973 (on file at the *Cornell Law Review*).

[6] This statement was made in a study done at the Marshall-Wythe Law School of the College of William & Mary under the supervision of the Chief Justice of Virginia. The report continued by noting that state criminal justice systems "must conform to federal criminal justice standards." Newport News Press, Nov. 12, 1973, at 18 col. 1, quoting T. COLLINS, T. SULLIVAN, R. WALCK, COMPARATIVE ANALYSIS OF AMERICAN BAR ASSOCIATION STANDARDS FOR CRIMINAL JUSTICE WITH VIRGINIA LAWS, RULES AND LEGAL PRACTICE.

[7] STANDARDS RELATING TO DISCOVERY. The Tentative Draft of May 1969, with amendments as shown in the October 1970 supplement, was approved by the ABA House of Delegates in August 1970.

trial judge the resources to expedite more effectively the processes of justice. This Article will analyze the omnibus hearing procedure and will explain how the federal trial bench can be instrumental in putting this important proposal into effect.

## I

## THE OMNIBUS HEARING

The ABA *Standards Relating to Discovery and Procedure Before Trial* establish three stages of procedures prior to trial.[8] First, there is a period of interaction between prosecutor and defense counsel, initiated by counsel—the exploratory stage.[9] It is at this stage that the defense should be allowed to examine the contents of the government's file. Second, the court for the first time becomes involved as a supervisor of discovery and a catalyst to move the process along—the omnibus stage.[10] Finally, for those cases which

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[8] *See id.* § 5.1(a).

[9] *See id.* § 5.2.

[10] *Standards Relating to Discovery* § 5.3 sets out the mechanics of the omnibus hearing:

Omnibus Hearing.

(a) At the Omnibus Hearing, the trial court on its own initiative, utilizing an appropriate check-list form, should:

(i) ensure that standards regarding provision of counsel have been complied with;

(ii) ascertain whether the parties have completed the discovery required in sections 2.1 and 2.3, and if not, make orders appropriate to expedite completion;

(iii) ascertain whether there are requests for additional disclosures under sections 2.4, 2.5 and 3.2;

(iv) make rulings on any motions, demurrers or other requests then pending, and ascertain whether any additional motions, demurrers or requests will be made at the hearings or continued portions thereof;

(v) ascertain whether there are any procedural or constitutional issues which should be considered;

(vi) upon agreement of counsel, or upon a finding that the trial is likely to be protracted or otherwise unusually complicated, set a time for a Pretrial Conference; and

(vii) upon the accused's request, permit him to change his plea.

(b) All motions, demurrers and other requests prior to trial should ordinarily he reserved for and presented orally at the Omnibus Hearing unless the court otherwise directs. Failure to raise any prior-to-trial error or issue at this time constitutes waiver of such error or issue if the party concerned then has the information necessary to raise it. Check-list forms should be established and made available by the court and utilized at the hearing to ensure that all requests, errors and issues are then considered.

(c) Any and all issues should be raised either by counsel or by the court without prior notice, and if appropriate, informally disposed of. If additional discovery, investigation or preparation, or evidentiary hearing, or formal presentation is necessary for a fair and orderly determination of any issue, the Omnibus Hearing should be continued from time to time until all matters raised are properly disposed of.

require it, planning for the anticipated trial occurs—the trial-planning stage.[11]

The novel feature of this three-step procedure is the omnibus stage.[12] The omnibus hearing is set before trial, usually after arraignment.[13] It provides an opportunity for pre-trial motions and other requests to be considered by the court at one proceeding with a minimum of formality and filings.[14] Of special significance to criminal defendants is the fact that the omnibus hearing provides the court an opportunity to correct any problems which may have arisen at the exploratory (*i.e.*, discovery) stage.

The procedure fulfills numerous important functions.[15] It eliminates unnecessary motion practice and effectuates the discovery proces.[16] Furthermore, the omnibus hearing allows the court promptly to dispose of latent constitutional issues and affords the

(d) Stipulations by any party or his counsel should be binding upon the parties at trial unless set aside or modified by the court in the interests of justice.

(e) A record should be made of all proceedings at the hearing; such a record may be either a verbatim record, or a summary memorandum (dictated or written on an appropriate court-established form) indicating disclosures made, rulings and orders of the court, stipulations, and any other matters determined or pending.

*Id.* § 5.3. Section 5.3 is followed by an extensive and useful commentary which helps to explain and clarify the procedure.

Under the omnibus hearing procedure judges can encourage discovery, speed up disposition of cases, eliminate "trial by ambush," and encourage more frank and open discussions between the defendant and the prosecutor.

The omnibus hearing was pioneered by James M. Carter, then Chief Judge of the United States District Court for the Southern District of California, a member of the Advisory Committee which drafted the ABA *Standards Relating to Discovery*.

[11] *See* STANDARDS RELATING TO DISCOVERY § 5.4.

[12] According to the commentary to § 5.3, there are at least four novel and unique features of the omnibus hearing procedure:

Four features distinguish the Omnibus Hearing from existing practices and procedures prior to trial: (1) its attempt to bring together at one court appearance as much as possible of the court actions required prior to trial (subsections 5.3(a)(iv) and 5.3(b)), thus saving all persons concerned time, energy and other resources; (2) its requirement of routine trial court exploration of the claims customarily available to the accused, utilizing a check-list (subsection 5.3(a)(v)), to ensure insofar as is possible that none remain unexposed, unnecessarily subjecting the proceedings to subsequent invalidation; (3) its requirement that these customary claims be raised and considered insofar as is possible without the preparation and filing of papers which so frequently perform no useful function in the proceedings (subsection 5.3(c)); and (4) its requirement that claims which are available for assertion at this time be waived if not asserted (subsection 5.3(b)). There are a number of other features essential to a properly conducted Omnibus Hearing which are set forth in the provisions of section 5.3. But it is this combination of these four provisions which renders it unique.

*Id.* § 5.3, comment a at 117.

[13] *See id.* § 5.2(b) and accompanying commentary.

[14] *See* STANDARDS RELATING TO DISCOVERY § 5.3, comment a at 116. For the effect of the omnibus hearing on the pretrial conference, see *id.* § 5.4 and accompanying commentary.

[15] *See id.* at 135-36.

[16] *Id.* at 135.

defendant the opportunity to make an informed decision as to his plea.[17]

The omnibus hearing, like all the ABA proposals, is designed to facilitate the speedy and just disposition of cases. Trials may be eliminated or substantially shortened by the hearing, for prosecution and defense counsel are encouraged to meet and lay all their cards on the table—even the "aces" they may have up their sleeves. If the "ace" of the defense counsel is a client with an ironclad alibi, there is no sense in counsel reserving this information and springing it on the court in the middle of trial—Perry Mason style—after time has been consumed selecting a jury and hearing the prosecution's case. This type of "trial by ambush" can be a monumental waste of precious time. Such a case could be disposed of without going to trial. Under the omnibus procedure, counsel would inform the prosecutor of the alibi defense before trial. Upon checking and finding that the defendant indeed had a foolproof alibi, the prosecutor would probably drop charges, knowing that to proceed to trial would impose an unnecessary burden on his and the court's time and would violate his duty to seek justice, not just convictions.[18]

The procedure as well may favor the government. After a pretrial look at the prosecutor's file, defense counsel frequently concludes that the government's case is solid as a rock and enters a guilty plea, saving the time and expense of trial.

The omnibus hearing is also designed to flush out constitutional issues as well as other questions in dispute and to resolve them before trial rather than in the middle of trial when the jury would have to cool its heels while the matter is settled. By using the omnibus hearing, the issues are considerably sharpened and narrowed when the trial begins, the proceedings are shortened, and the likelihood of a subsequent appeal is reduced. Such results are especially important today in light of the exploding caseloads in both state and federal courts.[19]

The omnibus hearing procedure has been in successful operation in the Western District of Texas for seven years. It has been

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[17] *Id.*

[18] *Cf.* Brady v. Maryland, 373 U.S. 83 (1963).

[19] For example, the number of filings for civil and criminal cases in the United States courts of appeals grew from 7,183 in fiscal year 1966 to 15,629 in fiscal year 1973, an increase of 117.5%. *See* DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, ANNUAL REPORT II-3 (1973). The filings for civil and criminal cases in the 94 United States district courts have increased from 89,112 in 1960 to 140,994 in 1973, an increase of 58.2%. *Id.* at II-16. The number of criminal cases during this period increased 42.2%. *Id.*

utilized in the United States District Court for the Western District of Missouri since 1968 and in the United States District Court for the Middle District of Florida since May 1971. The experience in these districts has shown that when the omnibus hearing procedure is given a good faith effort by judge, prosecutor, and defense counsel, the results are uniformly impressive.

### A. *Omnibus Experience in Jacksonville Division of United States District Court, Middle District of Florida*

Prior to the use of the omnibus procedure in the Jacksonville Division of the United States District Court for the Middle District of Florida, a steady increase in criminal filings had been accompanied by an increase in the time it took a case to reach trial. Virtually all criminal cases in the Jacksonville Division are now handled through the omnibus procedure. Trials that would have taken a week are completed in a day. In one case, in which there were sixty defendants, a trial estimated to take six to eight months under traditional procedures was completed in one week, thanks to the omnibus hearing.[20]

The number of cases appealed has been reduced.[21] Before omnibus, approximately forty-five percent pled guilty before trial. Now some eighty to eighty-five percent of the cases are disposed of through guilty pleas.[22] In the vast majority of these, the decision to plead guilty is made by the accused following the omnibus hearing conference where he has learned the full scope of the prosecutor's case and has committed himself on the nature of his defense.

As originally devised, the omnibus hearing plan called for the district judge to perform at one proceeding all the judicial functions in the criminal case, from arraignment through final disposition. With the advent of the magistrate system and the appointment of a full-time magistrate in the federal courts with authority to conduct pretrial and discovery proceedings, the supervision of pretrial discovery procedures has been delegated to that official in the United States District Court for the Middle District of Florida.

Under this system, the arraignment in every criminal case is scheduled before the magistrate who is authorized to entertain a not-guilty plea. The magistrate determines whether the parties are

[20] Address by Judge Tjoflat of the United States District Court, Middle District of Florida, Connecticut Conference on ABA Standards for Criminal Justice, Hartford, Connecticut, May 14, 1973.

[21] *Id.*

[22] *Id.*

willing to adopt the omnibus procedure. If they are, the federal discovery rules and motion practice are suspended and the omnibus hearing is scheduled. The trial date is also set at the arraignment. The use of the magistrate saves valuable trial time for the judge.

B. *Omnibus Experience in United States District Court, Western District of Missouri*

By court *en banc* order effective December 7, 1968, the United States District Court for the Western District of Missouri commenced an experiment with omnibus hearing proceedings. The order requires an omnibus hearing, with very narrow exceptions, in every criminal case filed.

In an address before the Judicial Conference of the State of Michigan, Judge John W. Oliver concluded that four years' experience in this court had shown that the omnibus hearing saves trial time and makes a speedy trial possible.[23] The time period from the filing of a case to its disposition by guilty plea averaged one month, in contrast to a national median of three to four months. The time period in this district for cases disposed of by court trial, jury trial, or dismissal was also substantially less than the national average. At the same time, a greater percentage of criminal convictions was obtained here than nationally.

Commenting on the use of magistrates, Judge Oliver stated:

> Indeed, we recognize, of course, that our ability to save judicial time under our omnibus hearing rule is enhanced by our

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[23] Address by Judge Oliver, Seventeenth Annual Meeting of the Judicial Conference of the State of Michigan, Detroit, Michigan, Sept. 23, 1972 (on file at the *Cornell Law Review*).

The omnibus hearing procedure has been equally successful in the United States District Court for the Western District of Texas. In testimony before the House Select Committee on Crime in June 1973, Chief Judge Adrian A. Spears stated in pertinent part:

> The use of the omnibus has virtually eliminated the written motion practice; saving counsel and the court time and effort; exposing latent procedural and constitutional problems; providing discovery for an informed plea and substantially reducing the congestion of the trial calendar.

H.R. REP. No. 358, 93d Cong., 1st Sess. 155 (1973).

The *Report* concluded:

> The Committee is firmly convinced of the merit of Judge Spears' program. The success of the program depends upon strong leadership from the bench, an imaginative prosecutor and a defense bar that is willing to respond in a highly professional manner. Omnibus, to those who know the program, is regarded as an indispensable tool to the expeditious treatment of criminal cases. The success of the approach is clearly demonstrated not merely by speaking with those who participate in the program, but by the hard fact that the District Court for the Western District of Texas has the largest number of criminal cases per judge in the country, and at the same time, has the second shortest period between indictment and disposition.

*Id.* at 156.

> utilization of the additional judicial manpower afforded by our capable and dedicated full-time magistrates. But I am convinced that if we did not have any magistrates, we would keep the omnibus hearing procedure and follow the pattern originally followed in the Southern District of California where judges, or magistrates, or commissioners conduct omnibus hearings before magistrates were authorized in the federal system. . . .
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> . . . .
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> . . . I can state with confidence that all of the judges of our court are convinced that the quality of criminal justice in our court has been substantially improved and that we expect to retain and, hopefully, to further improve our present procedure as time goes on.[24]

## II

## A Suggested Procedure for Other Federal and State Trial Courts

The success of the omnibus procedure where it has been used should provide an incentive to other federal trial judges to consider adopting it in their own courts. There is already a strong trend towards the use of the omnibus hearing in state courts.[25]

During the past year the ABA Section of Criminal Justice has cosponsored or participated in many state implementation conferences.[26] The more progressive state judges realize that if the omnibus hearing and pretrial procedures work effectively in federal courts, they will work in the state courts. The experience with federal demonstrations has enabled the ABA Section of Criminal Justice to organize state demonstration teams on omnibus and other pretrial procedures.[27]

The *Standards* program was started ten years ago, and the implementation has been under way nearly five years. Despite the length of time that the program has been operational, we have found, at state implementation conferences, that a large number of

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[24] Address by Judge Oliver, *supra* note 23.

[25] The omnibus procedure with variations adapted to local practices is being utilized in the state courts in Portland, Oregon, Seattle, Washington, Junction City, Kansas, and in the District of Columbia.

[26] In several of these, we have been fortunate to utilize a federal judge, an assistant United States attorney, a defense attorney, and in some instances, a United States Magistrate to demonstrate the use of omnibus hearing and pretrial procedure. The appearance of federal judges on these programs has had an enormous impact.

[27] The annual Circuit Judicial Conferences, Circuit Sentencing Institutes, and District Judges Association's meetings in the federal circuits provide an excellent forum for orientation of the bench and bar towards the ABA *Standards for Criminal Justice.*

judges—and an even larger number of members of the bar—are still unfamiliar with the omnibus procedure. Federal judges can help to disseminate the omnibus procedure, as well as the other ABA proposals, through their many contacts with state judges, at state-federal judicial conference meetings, at seminars at the Federal Judicial Center, and at other judicial meetings. For example, Judge Tjoflat demonstrated in early 1973 to federal judges in New England how he had developed the omnibus procedure in his court.[28]

Federal judges throughout the country are concerned with the escalating volume of litigation in criminal cases and resulting unwarranted trial delay.[29] The omnibus procedure is a new and innovative idea which can significantly help reduce such delay. The federal trial bench has the opportunity to exercise leadership to acquaint counsel with the omnibus hearing. No federal judge with speedy trial or heavy calendar problems can afford to disregard the omnibus procedure, for it is a vivid example of available "self help" which has a proven track record.

## III

### RECAPITULATION: IMPLEMENTATION PROVIDES A CHALLENGE AND AN OPPORTUNITY FOR THE FEDERAL TRIAL BENCH

It is my hope that all federal judges will join in this crusade to secure the adoption of the ABA *Standards for Criminal Justice.* These

[28] While assigned by the Committee on Intercircuit Assignment to the District of Massachusetts, Judge Gerald B. Tjoflat took part in seminars called by Chief Judge Andrew A. Caffrey concerning discovery techniques used in other districts:

> Four evening seminars were arranged for the demonstration. The first session was devoted to a group discussion by federal judges in Massachusetts, New Hampshire and Rhode Island; the second was held for Magistrates of these states; and the third was held for members of United States Attorney's offices in Massachusetts, New Hampshire, Rhode Island and Maine. The fourth and last session was conducted for twenty-five highly experienced defense counsel.
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> . . . .
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> The assistance Judge Tjoflat rendered in the District of Massachusetts is an excellent example of how intercircuit assignments can be used to cross-pollinate innovative techniques.

5 THE THIRD BRANCH, April 1973, at 7 (Bull. Fed. Cts.).

[29] Chief Justice Burger has expressed concern with the delays contributed by lawyers who are unqualified to try criminal cases. In a recent lecture at Fordham University Law School, the Chief Justice stated:

> Time does not allow a recital of the myriad points of substantive law and procedure that an advocate in criminal cases should know in order to perform his or her task. Suffice it to say that in the past dozen or more years a whole range of new developments has drastically altered the trial of a criminal case.

Address by Chief Justice Burger, *supra* note 5.

*Standards* are complemented and supplemented by the *Standards and Goals* of the National Advisory Commission of Criminal Justice. The ABA Section of Criminal Justice has recently completed a comparative analysis of both sets of standards. The standards are basically similar except in plea bargaining and a few other areas. The objectives are mutual, *i.e.*, improvement of the criminal justice system. The ABA Section of Criminal Justice is cooperating with the Law Enforcement Assistance Administration (LEAA) in a joint nationwide effort to implement both standards.

There is a vast treasure in these standards that must be utilized before we are able to improve our criminal justice system. The federal trial bench can become actively involved in implementing the *Standards* in the following ways:

1. If you do not have a set of the ABA *Standards for Criminal Justice,* purchase a set, become familiar with the *Standards,* and utilize them in your daily work.

2. Encourage United States attorneys, public defenders, the criminal bar, federal magistrates, and your other associates to utilize and cite the *Standards.*

3. Credit the *Standards* wherever and however they are utilized because they are a growing body of credible legal authority.

4. Try the omnibus hearing procedure in your jurisdiction if it is not already being utilized.

5. Encourage educational programs on the *Standards* in your District Judges Association and in Circuit Conferences.

6. Submit proposed changes, where appropriate, to the *Federal Rules of Criminal Procedure* and the *Federal Rules of Evidence* in order to bring these two tools more nearly into harmony with the *Standards.*

7. Become a member of the National Conference of Federal Trial Judges and support the Conference programs.

8. Join the ABA Section of Criminal Justice[30] to help keep you abreast of the nationwide developments in the implementation of the *Standards,* and offer your services to become actively involved.

## CONCLUSION

Implementation of the ABA proposal for omnibus hearings cannot be carried out by the ABA Section of Criminal Justice or

[30] Application forms are available from the ABA Section of Criminal Justice, 1705 DeSales St., N.W., Suite 401, Washington, D.C. 20036.

the American Bar Association alone. I urge all members of the federal trial bench to become actively and meaningfully involved in the implementation of the ABA *Standards.* Chief Justice Burger has characterized the *Standards* implementation program as "the single, most comprehensive, most monumental project undertaken by the legal profession in its 200 years' history."[31]

[31] ABA, Modernizing Criminal Justice through Citizen Power (audio-video tape) (copies available for loan by writing Association-Sterling Films, 600 Grand Avenue, Ridgefield, New Jersey 07657).