

November 11, 1937

Mr. Wyatt

Requested suggestions regarding

Mr. Dreibelbis

Legal Division.

You have requested that I submit written comments regarding the work in this office, including in the same such suggestions as I can offer for the improvement of the work and such views as I have regarding the size of the personnel and the advisability of reducing it.

I desire to preface my comments with a general statement. In the first place, as I stated to you, I think that this is the wrong way to proceed. I still feel that if Assistant General Counsel are to be consulted, more is to be accomplished by joint discussions and informal exchange of ideas than by the submission of several memoranda independently written. I feel that this would be equally true if only one person were involved. It appears to me that more is to be accomplished by informal discussion where individual views may be advanced, jointly discussed and perhaps a uniform conclusion reached. An exposition of different views sometimes may serve to alter preconceived ideas.

I understand that such discussion may follow in due course, but in the meantime ideas may have become more fixed and it is my observation that opinions once expressed become less flexible and less subject to change and that reasons which may have been overlooked in the first instance are less compelling and less likely to change an original opinion when once it has become crystallized through the process of deliberately placing it in writing. In addition, I think that the procedure tends to create impacts in thinking and unnecessarily to offer an opportunity for friction in the office. Further, the scope of the request is so comprehensive that to fairly and adequately make specific recommendations with reference to the same involved, in my opinion, a more careful study of the entire situation than can be incorporated in a memorandum prepared on relatively short notice.

For instance, you ask that I submit my views as to whether or not the office is over-manned. You already know that I have the general feeling that it is, but to leave the question with that bare statement creates, in my opinion, an entirely erroneous impression as to the specific recommendation I would make. I do not, in my own mind, approach the question in terms of possible attorneys who should be eliminated and I would very much regret if this memorandum should result in precipitating that question. I may add, in this connection,

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that, without having had the opportunity to observe personally and carefully the work of each counsel, I have the general feeling that all of the men are kept fairly busy. I even recall that about the time I became associated with this office it appeared to me that there was a good deal of night work, which frankly I could not understand. Perhaps erroneously I concluded in my own mind that some of the men were working at night unnecessarily for fear of criticism if they did not. In any event, in so far as putting in time is concerned they were doing that in full measure. Perhaps the work in the office has diminished since that time, in any event, that practice has largely discontinued. I, of course, am not in a position to judge the amount of the work in the office before my arrival, but since I have been here I have not observed such a decrease in the work as would account for this change in practice. In other words, it seems to me that the technique of the work has changed in this respect and that is the point that I desire to make. I can conceive of keeping more men busy if it developed that the Board desired additional checks upon the work of each man and more elaborate study of every matter submitted to this office. Conversely, I can visualize a demand for less man power under other circumstances. Therefore, I would prefer first to approach the question from another angle, to wit, from a survey of the technique of the work. It is upon that basis that my views have from time to time been expressed.

To illustrate, I feel that there is duplication of effort between this and other divisions, but I, naturally, am not able to enumerate every example of that nature which collectively have given rise to that view. I can only say that generally this seems to me to be the case.

I also feel that there is unnecessary duplication of effort within this office and my last preceding statement applies equally to this one.

As I say, this is simply my feeling based upon my own experience and such opportunity as I have had to observe the work of others. At the same time I think that there are men in this office who can assume a greater amount of responsibility for their own work than they now do and if this is not true I think that the Board's present salary scale will permit of the employment of such type of men. As a passing comment, I would like to say that direct responsibility tends, in my opinion, to create a better type of work and a happier worker.

Do not understand me as saying there should be no supervision of the work of Assistant Counsel. I visualize the duties of the head of this office as being quasi administrative in character. As such, he should assign and know generally all of the work in the office and how

it is being conducted, but to undertake to participate in every important matter that arises is, in my opinion, almost the equivalent of doing it in the first instance. The type of subordinate I have in mind would have the judgment to keep his superior informed as well as the judgment to appraise the importance of any question and to determine the necessity or advisability of consulting with his superior. At the same time, however, he could assume directly the responsibility of the work he happened to be doing, which, in my opinion, would result in greater dispatch of the work and a higher efficiency.

I have the feeling that some of the memoranda to the Board are unnecessary. The determination of when a memorandum is necessary is one of judgment. In this connection, I may say that I think it would be perfectly hopeless to try to formulate any written rule of thumb that would cover this subject. I can only say for myself that I regard a memorandum written in connection with a letter unnecessary when the body of the letter reflects the reason for the same, and, in such a case, it would seem to me that the initials of the attorney drafting or approving the letter should suffice.

I have the feeling that by cooperation with other divisions the necessity of two memoranda could sometimes be eliminated by the inclusion in one memorandum of a statement reflecting that the memorandum represented the joint effort of both divisions.

It also appears to me that some matters unnecessarily clear through two and sometimes three lawyers. Again is involved the question of degree. Therein again I feel that no rule of thumb can be established. Undoubtedly questions arise where the combined judgment of all is advisable, but it seems to me that it is perfectly possible for the juniors in this office to exercise the judgment necessary to determine when such is the case.

I have observed from time to time that as many as four lawyers participate in some of our conferences, thereby contributing to their unwieldiness. Here again, I would think that it is perfectly possible to have individuals of such judgment and ability as would permit them to carry the load in many of these cases, assuming naturally, that they would be possessed of enough good judgment to keep the office informed and to consult with others where necessary.

Reverting to my original theme, I feel that a survey of the technique of the work of this office would reflect the desirability of effecting some changes and that if the changes were effected we would find that fewer men could do the work. Perhaps I am wrong as my conclusions are necessarily based upon general observation. In any event,

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I think that the number of men that we have in this office depends upon how we use them and I repeat that I think a survey of the work should precede any conclusion with respect to the adequacy of the staff from the standpoint of numbers. In the time available the foregoing represent as concrete suggestions as I can make as a basis for possible improvement of the work and in clarification of my views relating to the size of the office.

There are, however, some matters with respect to which I feel that possibly I can give you more concrete suggestions.

1. I think every secretary and stenographer in this office should be available when their time is not otherwise occupied for such additional stenographic work as may be pending in the office, including the cutting of stencils and copy work. Naturally, I think that it should be allotted to individual stenographers or secretaries with due regard to the work being done and immediately foreseeable and certainly with the understanding that it should be put aside if the individual to whom such stenographer or secretary is particularly assigned is in need of her services.

2. I wonder if we have enough stenographic work in the office to justify assigning one stenographer to every man in the office, and I would like to see this situation reviewed with the idea of determining whether or not fewer people could handle the work. My mind is entirely open with respect to the volume of work, but it is not with respect to the necessity of having one stenographer for each man. I might say that in such experiences as I have had in the general practice of the law I do not recall any large office where the stenographic force was such as to afford every man in the office one stenographer.

3. I wonder if it is necessary that there be three stenographers in our anti-room. It so happens that by virtue of the nature of your work and to some extent mine, we probably use our secretaries for the purposes of dictation less than most any man in the office and I observe that we are the only division in the Board where this situation exists. Further, I have the impression that at times their inactivity in comparison with some of the girls in other parts of the office is a source of some mortification to them.

4. What I have said with respect to the number of attorneys applies equally with respect to secretaries and stenographers. I feel that it is wholly unnecessary to enter upon a wholesale reduction in the size of the staff. If reduction of the stenographic force should be effected, in my opinion, it can be done without injury to any one who is working for us at the moment. In the first place, changes are always taking place in the Board's staff and from time to time oppor-

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tunities to transfer individuals in our division would present themselves, so that I would be very reluctant to dismiss any one only to find that some other division had employed someone from the outside.

#### CONCLUSION

The foregoing presents my views in so far as I am able to record them at this time. Naturally some of them are expressed in general terms and I feel that it is impossible to do otherwise. However, it seems to me that a statement of the general ideas is sufficient to afford an opportunity for you to determine whether or not there is enough merit in them to pursue the matters further. It also goes without saying that to the extent I am able, I would also like it understood that I at least try to keep an open mind with respect to any questions and am entirely conscious of the fact that my short experience with the Board is of such a nature that there may be factors which I have overlooked, consideration of which might alter my views with respect to any or all of the suggestions. In addition, I also desire to say that I do not think that the situation is one calling for precipitate or wholesale action, but on the other hand, is one deserving of study and should be worked out upon a more long range basis.

JFD/ebb