Tuesday Evening Session
May 16, 2006

The Annual Dinner of The American Law Institute was held in the Grand Ballroom of The Mayflower, Washington, D.C., on Tuesday, May 16, 2006.

Judge Thelton E. Henderson: Thank you very much, Michael, for that wonderful and more than generous introduction. I am very nervous tonight for a number of reasons, one of which is that two of my first-year Boalt Hall professors are here, (*laughter*) Geoffrey Hazard and Herma Hill Kay. (*Applause*) And I can read your thoughts. You're saying, "Okay, here comes another C minus performance from Thelton." (*Laughter*)

I have known Michael since our college days. That was almost 20 years ago, wasn't it, Michael? (*Laughter*) And not once, over all these years, has Michael been less than gracious, generous, thoughtful, and kind. He's always been that way, (*applause*) not to mention being one of the best lawyers that you can find. That's not just my view, but the legal publications say it. How truly wonderful it is for The American Law Institute to be guided by your even and enlightened hand, Michael. (*Applause*)

When Michael invited me, called some while ago, I said, "What can I possibly say to this legally sophisticated audience?" And Michael made one mistake. He said, "Well, just talk about something you know. Talk about something that interests you."

So, on that premise, I accepted. I was well into preparing a speech when I realized, well, that's not it; I ought to be talking about something that interests you, and I'm not sure I'm doing that tonight, but if I don't, it's Michael's fault, not mine. (*Laughter*)

So let me begin. President Traynor, Your Honors, fellow ALI members, and distinguished guests: I can't begin to tell you how truly honored I am to address you this evening. Since my law-school days, I have admired this extraordinary Institute, which plays such a unique role in bringing together lawyers who have become judges, lawyers who teach in the academy, and lawyers who practice, to fuse their wisdom into such splendid work as the Restatements of the Law and the Model Codes. It is indeed thrilling to be a part of this 83rd Annual Meeting.

When I first began working as a federal district court judge some 25 years ago, almost 26 now, my judicial perspective was largely limited to my new caseload of 335 cases, which I inherited. For those of you in the business, we affectionately call that initial caseload "dogs," (*laughter*) because they consist of giveaways from the other judges who trim down their caseload. But I inherited 335 dogs, and I had a stack of motions on my desk that I needed to review for my upcoming law and motion calendar. That was my judicial perspective.

I certainly didn't envision that I might one day be asked to share my judicial thoughts with such a distinguished group as this; nor could I possibly have envisioned that some 25 years later I would be called upon to order the largest federal receivership of a state-prison medical system in our country's history. Yet, this past year, I found myself doing exactly that, after hearing extensive and compelling and indeed often quite disturbing evidence in one of my cases—it was alluded to by

Mike—evidence that was, I might add, uncontested by the State defendants, that led me to conclude that, at this particular point in time, the state of California was simply incapable of providing constitutionally adequate medical care to its 167,000 inmate patients—a finding that was again unopposed. This inadequacy led to the stunning finding, again undisputed, that on average, one California inmate dies unnecessarily every week of the year due to the dysfunction of the prison medical-care system.

My experience with this case has given me renewed interest in what I believe to be one of the most difficult and vexing issues that confronts our society today, and that is how to respond to and treat those who break the law. It is a group that includes some of the most reviled and disfavored members of our society.

I was also inspired to delve into this subject tonight as I reviewed the founding purposes of the ALI itself. Since its inception in 1923, the ALI has provided legal scholars, judges, and practitioners the opportunity to think deeply about the law's more challenging aspects, with the goal of better adapting the law to social needs and securing the better administration of justice, or, as my friend Judge Abner Mikva summed it up at the 1994 ALI conference, "ALI reminds us that we are a profession and that, while we hope to do well as lawyers, we also expect to do good . . . ." [71 A.L.I. PROC. 5 (1994)]

And so I have decided to speak to you tonight on this unpopular topic, which in many ways goes to the heart, I think, of our social fabric. I know that it is not one that is particularly pleasurable to think about or perhaps even to hear about; nor does it seem to be a typical subject at these ALI conferences, but I think it is increasingly vital, and I say "increasingly" because we live in an age of skyrocketing inmate populations.

In my state alone, the California inmate population has swollen from 30,000 in 1980 to 167,000 today and is growing fast. At the national level, the prison population has multiplied from 330,000 in 1972 to well over two million today. Notably, in the period from 1920 to 1970 the prison population grew just slightly faster than the general population, but from 1970 to 2000 the general population rose by less than 40 percent, while the number of inmates in this country rose by more than 500 percent.

Our states are grappling with crumbling infrastructures and constant budget pressures at the same time that booming prison populations demand a greater and greater share of the pie. California, again a prime example, has built 22 prisons in the last 25 years and now spends almost 10 percent of the state's budget on its prison system, at a cost of over $8 billion. All of this while a once-proud university system that Mike and I went to continues to deteriorate for lack of resources, and it promises to get only worse, since California's 33 prisons now are already double their intended capacity.

At the same time, lawyers and courts and society insist that constitutional guarantees not be sacrificed along the way, and, indeed, I think it is a moral issue. As Harriet Martineau, the famed pioneering British social thinker and writer, said in 1837, "If a test of civilization be sought, none can be so sure as the condition of that half of society over which the other half has power."

So, tonight, I would like to share my thoughts as to how courts can effectively make a more positive contribution to this increasingly vital area, and I think it would be helpful, if I'm going to do this, to put my remarks in some sort of context. So I am going to begin with a necessarily brief overview of the role that courts have played historically in determining how we treat our lawbreakers. I should first mention, however, that I am acutely aware that judges ought not publicly discuss any confidential matters pertaining to our cases, so I will, of course, limit my comments to observations and insights that are already a matter of public record and public discourse.

During our country's early history and well into the 20th century, courts uniformly adopted a hands-off approach to the few petitions that dared challenge prison conditions. In 1871, for instance, a Virginia court [Ruffin v. Commonwealth, 62 Va. (22 Gratt.) 790 (1871)] ruled that prisoners were "slaves of the state" and therefore had no constitutional rights. It wasn't until the 1940s that some judges began using more sympathetic language than this. In 1952, for example, Justice William O. Douglas issued a dissent in the case of Sweeney v. Woodall [344 U.S. 86 (1952)], a case in which a prisoner asserted that he had been abused by other prisoners and had been beaten nearly to death by a guard with a nine-pound strap embedded with metal prongs. In language that was unusually strong for that time, Justice Douglas noted that the allegations make this "a shocking case in the annals of our jurisprudence." [Id. at 91.] And then in 1969, a successful challenge to the Arkansas state prison system inaugurated a period of massive judicial intervention in the nation's prisons and jails. Five years later, the United States Supreme Court pronounced, in Wolff v. McDonnell [418 U.S. 539 (1974)], that "[t]here is no iron curtain drawn between the Constitution and the prisons of this country." [Id. at 555-556.] Thus, for the first time, courts recognized that inmates retain some sort of residual constitutional rights with respect to their conditions of confinement and were willing to enforce those rights on an institution-wide basis.

By 1984, roughly half of the nation's largest prisons were operating under the constraint of court orders. On the whole, these cases spurred significant improvement in many prisons, prisons that were described by federal judges as a "dark and evil world completely alien to the free world" [Holt v. Sarver, 309 F. Supp. 362, 381 (E.D. Ark. 1970)] and "unfit for human habitation." [Gates v. Collier, 390 F. Supp. 482, 489 (N.D. Miss. 1975)]

Judicial intervention eliminated the routine authorized use of torture in prisons and led to the abandonment of inmate trustees, which involved the practice of allowing some inmates to supervise and usually abuse other inmates with official acquiescence. To this day unconstitutional conditions continue to be routed out by our courts.

One of my cases, for example, brought to light during trial the treatment of mentally ill inmates. In one particularly horrific and memorable example—I will never forget seeing the first pictures of this in the trial—guards punished a mentally ill inmate who had smeared himself with his own feces, which act I should add was itself a manifestation of his mental illness, and not uncommon in prisons. They punished him by putting him in a special infirmary tub that was used for therapeutic purposes and had a gauge that could turn the water up unusually hot, much hotter than our bathtubs can get, and they put him in it to "clean him." It was so hot that it caused the inmate's skin to peel off and hang in large clumps around his legs.

By the end of the 1970s, however, federal courts began pulling back. In 1979 the Supreme Court reaffirmed in Bell v. Wolfish [441 U.S. 520 (1979)] that prisoners' constitutional rights were to be "scrupulously observed." At the same time, however, in *Bell* and in subsequent opinions, it has stressed that courts must give wide deference to the judgment of prison administrators who are dealing with unique populations, and they must avoid unnecessary intrusion into the affairs of the state prisons.

Now I hope that this all-too-brief history will help us understand the palpable and difficult tension that courts face today between two competing imperatives. On the one hand, it is clear that the conditions in which prisoners find themselves as a part of our criminal-justice system must satisfy the dictates of the Eighth Amendment and evolving standards of decency. On the other hand, judges also have a duty, as established by Supreme Court precedent, to defer to those who run our prisons and minimize any intrusions on state branches of government. While case law routinely acknowledges these dual obligations, it provides scant guidance as to how to successfully accommodate them both.

Having had over the years the fortune—although this latest case makes me think it's a misfortune—to preside over several cases involving unconstitutional prison conditions, I have had the opportunity to experience this tension firsthand. So it was with particular interest that I recently read a law-review article by Professor Susan Sturm, now at Columbia Law School, entitled "Resolving the Remedial Dilemma: Strategies of Judicial Intervention in Prisons" [138 U. PA. L. REV. 805 (1990)]. I realized immediately upon reading this that I had had no theoretical or conceptual framework at all for what I had been trying to do over these years with these cases, and suddenly here was one.

Based on my evolving experience, I fully agree with Professor Sturm that a combination of factors tend to make correctional defendants particularly resistant to courts that are ordering change, and that adopting too passive a judicial approach will result in little or no change whatsoever. As Professor Sturm so well explains, "[p]articipants in the prison system have strong disincentives to pursue change, due to the political powerlessness of inmates, the structural isolation of corrections from the [larger] community, and the lack of political consensus and support for reform." [Id. at 815.] "Guard unions and senior guards," she also notes, may view court rulings as illegitimate and "may exert substantial pressure upon the rank-and-file workers not to engage in reform activity," and "[t]hose who support reform efforts . . . are often ostracized . . . ." [Id. at 829.]

Institutional change also often entails significant additional costs for the state and perhaps political risk for the politicians who support it, which can make it harder to garner needed support from our legislators and our governors, even when the need for change is acknowledged. And in fact I'm going to do something bold tonight, something memorable. I'm going to stick my neck out, and I'm going to make a bold pronouncement. Listen carefully. I am pronouncing—predicting—that no one will ever reach higher elective office on the platform that "I make things better for robbers, rapists, and kidnappers." (*Laughter*) More than one politician has told me that it's okay for me, a judge with lifetime tenure, to "hug a thug." (*Laughter*) I'd never heard that term before—it's popular in California—but, in this tough-on-crime era, to be viewed as "hugging a thug" is tantamount to political suicide, and therein lies a large part of the problem that we face.

In addition to all of these formidable obstacles, correctional agencies are often plagued by bureaucratic inertia or by a more serious form of bureaucratic dysfunction that the sociologist Thorstein Veblen, who also coined the term "conspicuous consumption," describes as "trained incapacity."

Let me leave my notes for a minute. I was having dinner with my two best friends—they are both distinguished sociologists affiliated with the University of California. One just finished this past year as the President of the American Sociology Association. I was telling them about some of these problems of getting things done, and they looked at each other and said, "Well, that sounds like trained incapacity." That's the first time I heard those words. So Thorstein Veblen coined this term, and by that he meant a situation in which agency bureaucrats have become so inured to self-preservation by erecting barriers to change that when serious institutional problems or crises threaten or challenge the bureaucracy or require it to bend or flex, we find that those within the institution have actually trained themselves to be incapable of responding. In other words, they train themselves to say it can't be done and devise almost ingenious ways and reasons to make that so.

So even when defendants act in good faith this confluence of factors and constraints in the correctional environment raises barriers and obstacles that ordinarily will simply be too high to surmount without sustained and persistent judicial intervention. Thus, while the court's duty to defer and avoid unnecessary intrusion will be satisfied by simply identifying a problem and giving prison administrators wide-ranging deference to correct it, it is my decided experience and judgment, and that of many of my colleagues that I have talked to, and consulted around the country, as well as a growing body of academics, that this approach is ill suited to curing the unconstitutional conduct. After all, undue deference to those who have created the constitutional inadequacy in the first place is highly problematical at best, and the cases are silent on this dilemma.

On the other hand, a court that unilaterally imposes remedial policies and practices without including the defendants in the process would likely be ineffective as well. As noted by Professor Sturm, a unilaterally imposed remedy tends to be perceived as illegitimate by state officials, as well as the prison guards who are called upon to implement the policies. It also leaves the court open to charges of judicial micromanagement, particularly where the remedy is of the command-and-control variety, that is, it dictates every detail from the wattage of light bulbs in the cells, to the frequency of inmate showers, to the diets that inmates are fed.

So what is the solution, then? When I look back over my more than 20 years of dealing with various prison cases, there appears to be one clear lesson that has emerged, and it is this: If a court is to have any hope of rising to the constitutional challenge of effecting meaningful change, while at the same time providing our prison administrators with the deference that is their due, it must faithfully and consistently adhere to what Professor Sturm has termed "the catalyst approach," although I did not know it had this name when I started experimenting with aspects of this approach a number of years ago.

So what is the catalyst approach? In essence, it aims to prod the defendants into taking the primary role in both developing and implementing the constitutional remedy, and, if necessary, in changing the underlying culture in the institution that created the unconstitutional conditions in the first place—and this is one of the biggest problems, to change the culture of an institution. It is more difficult than I ever would have imagined until I actually started trying to do it.

Throughout this catalyst approach, the court must make clear that it is willing to use and actually does use, when necessary, all of its available powers to ensure that defendants are in fact effectively prodded to implement a genuine and effective remedy. This includes using the leverage of credible deadlines and performance measures, the appointment of special masters, and, perhaps most importantly, the use of independent experts, because keep in mind you have an institution that says "no can do," and you have to find people who "can do" and show them how it can be done. There must also be sustained judicial involvement through frequent meetings with the parties, formal hearings in court, regular reports, and site visitations.

This is very important, because one of the things that happens is you have the leadership, that I think resists the change, while at the same time there are many good people out there working in the institutions who are intimidated. It gives them heart when there is frequent site visitation. They will give you little notes, they will write you little letters, they will whisper little things, and it encourages them. It is very important.

So, at bottom, the goal of the catalyst approach is to create the correct combination of inducements and pressure for prison officials to initiate remedial action on their own, while at the same time avoiding and defusing some of the resistance that can follow from the more unilateral intervention. While this approach is undoubtedly the most time intensive for an already busy judicial officer, I am convinced that, in the long run, it is well worth the time, and indeed, I think it is the only effective way for courts to make a positive and lasting contribution in this critical area of constitutional law that impacts the lives of so many.

Just as an aside, I can say that this approach is equally applicable, not just in prison cases, but I think in other institutional cases involving complex institutional defendants, such as school systems, public-housing departments, and so forth.

Looking back, I believe that my case of Madrid v. Gomez [889 F. Supp. 1146 (N.D. Cal. 1995)] provides some vivid illustrations of the catalyst approach at work, even though at the time I didn't think of it in those terms. After a lengthy trial challenging the conditions at Pelican Bay State Prison, which was our toughest prison in California, I ruled in 1995 that the California Department of Corrections had violated the Eighth Amendment by providing inadequate mental-health and medical care, by tolerating and encouraging a pattern of excessive force against inmates, and by subjecting mentally ill inmates to the destructive isolation of the so-called SHU, which is an acronym for Security Housing Unit, where the most violent and dangerous inmates are housed—the worst of the worst in the California prison system.

The goal was to prod the defendants to engage in the remedial process so they could contribute what knowledge and expertise they did possess and also, and quite importantly, so that they would become vested in the remedy.

There were daunting obstacles, however. In fact, all of the factors identified by Professor Sturm were present in that case. The prison administrators and the guards' union were strongly resistant to any change, no matter how obviously needed from an outside perspective. Bureaucratic rigidity, rising to the level of the trained incapacity I spoke of earlier, was also a major concern. Defendants also lacked the specialized expertise necessary to develop remedial plans. All of this made it unrealistic to expect an effective remedy to emerge without sustained and strenuous judicial oversight and intervention.

The first example of this occurred very early in the remedial phase. Given the ruling in the case, defendants could no longer house the seriously mentally ill in the SHU, which meant that they now had to identify those with serious mental illnesses. They also had to house them elsewhere than the SHU and provide them with a constitutionally adequate level of mental-health treatment. Defendants' immediate response was "it can't be done." It was a classic case of the "trained incapacity" doctrine at work. In fact, defendants said it would be impossible to accomplish the court's order without seriously compromising security.

Invoking then what I now call "the catalyst approach," I used the court's inherent equitable powers to appoint a special master, as well as independent psychiatric and corrections experts, and they were the key to this, to work with defendants in a collaborative effort. Through this collaboration process, which also included the input of plaintiffs' and defendants' counsel, and was backed by credible deadlines and a full hands-on approach by the court, defendants were able to develop a program that provides mental-health treatment and security, and establish a separate unit named the Psychiatric Security Unit, or the PSU.

The PSU program was in fact so successful that it has been followed in other states, and the staff at Pelican Bay, when I visit, repeatedly tell me that they would never want to go back to the old way. The SHU, they say, is now a much better place in which to work because the mentally ill inmates, who had caused most of the behavioral problems in the SHU as a result of their mental illness, are no longer in the SHU. And given the mental-health treatment that is available in the PSU, which includes, most importantly, needed medications denied them in the SHU, inmates in the PSU exhibit few serious behavioral problems now.

So, in sum, it has to be made, in my view, abundantly clear to defendants from the start that the case is not going to just go away. This is critically important because this often happens in these kinds of cases. In the typical case of this sort the defendants smile nicely when you visit, they shine the tabletops, and they sweep the floors, and they just wait for you to go away. They wait for you to turn to your other cases, and, as soon as you do, they go back to business as usual, and you have to make it clear that this is not going to happen. To the contrary, they must know that they are being closely supervised and that the full range of equitable powers available to federal judges will be used if it becomes necessary to do so to achieve full compliance. They must, in my view, be made to understand that there is only one exit door out of this kind of litigation, and that door is marked, "Real and Full Compliance."

Of course, being an effective catalyst for change means not only using sticks but also holding out carrots. When defendants make progress, it should be recognized at the hearings and in

written orders and in the visits to the court. That's very important in this process, and an attentive press will always print on at least the second page of the local newspaper this kind of progress, (*laughter*) and that is important to everyone involved.

Ten years after the remedial process began, I have now terminated court involvement with respect to most of that process, because defendants have taken ownership of the remedy and institutionalized it to the point that the changes will not disappear once the court oversight has ended.

As these examples show, state prisons can overcome many obstacles to change, including their own resistance, and successfully develop and implement their own remedies if the court using this catalyst approach provides the necessary expert assistance and oversight.

As I look back over what I've just said, it strikes me how attentive—in fact just how active—a judge must be to provide the necessary oversight and truly serve as an effective catalyst for change in the context of prison litigation. Some might even suggest that being so active, as I have suggested, makes one an activist judge in the sense that that term is used these days. I think, however, that taking an active role to induce defendants to comply with their constitutional obligations does not an activist judge make.

Interestingly, someone recently gave me a copy of an article in the Correctional Law Reporter, which is a national publication for prison administrators, and, in discussing my case, the one I first mentioned, in which I ordered the receivership, the article posed the question after the article: Is it judicial activism for a court to take steps necessary to enforce the Constitution—and this is the key to this question—when an agency appears to have thrown up its hands and said, "We can't do this"? That was the case here, and the clear inference from that question was that it is not, and I would certainly posit that the answer to this question is no. Being actively involved is simply a necessary element of discharging the court's obligation to uphold and enforce the rights so carefully guaranteed by our Constitution.

The subject of how a society should treat its offenders is, of course, so richly complex that one could write volumes on the subject. Certainly my remarks here tonight barely even begin to scratch the surface, although at this point you may be saying, "You've done more than scratch the surface." (*Laughter*)

I will close, however, by returning to Harriet Martineau, whose 1837 quote bears repeating. "If a test of civilization be sought, none can be so sure as the condition of that half of society over which the other half has power." And I fervently hope that we, as a society, can pass that test. It requires a commitment to the demands of our Constitution. It also requires some compassion, and I believe courts can do their little part by being effective catalysts for achieving lasting and constitutionally adequate reform in our country's prisons.

Thank you once again, President Traynor, and everyone here tonight. (*Applause*)

President Traynor: Thelton, thank you so much. You have honored us by your presentation and your presence here. In the hands of Thelton Henderson is the difficult job of

reconciling and balancing our Constitutional imperatives with the rule of law and the needs of law enforcement and the discretion that agencies are legitimately entitled to have happen, and it takes a very thoughtful, patient person to accomplish it in the way you have that's copied around the country.

Within the limits that necessarily apply to a sitting judge, Thelton has said he is willing to take some questions, if anybody would like to ask him questions about himself or about the cases that he's handled. We've got a roving mike here. Does anybody wish to ask—okay, in the back there.

Unidentified Speaker: I was very interested to hear you say that you felt that the changes that you had accomplished had been so sufficiently institutionalized that you could withdraw from bearing active oversight, and I would like to know what makes you believe that and how long into the future you think that will carry forward, and will someone have to pick up again in 10 years and do what you've done?

Judge Henderson: Okay, that's a very good question, a very perceptive question. I perhaps overstated when I said they have been institutionalized so they will stay at the level that I left them. I think that's probably not so, but I was making the distinction with some of the cases from the old days. There are many cases in my own court, one at San Quentin, where a judge took over, ordered changes, looked at it for a period of time, and then went away—which is the more typical approach. It was something like five years before San Quentin was back to what it had been when the suit was originally filed.

I think when I use the catalyst approach and leave, it will never go back to what it was. I think there will be backsliding because the big thing here, the really hard thing to change, as I said in the speech, is the culture. If you could change the culture so that the attitude changes, then the change is really lasting. For example, the SHU will never go back because the guards really see a difference. Their lives are easier. That place was insane when I first started with the case. That's a poorly chosen word, (*laughter*) but that place was very difficult when the case began. People were yelling, there was psychosis, they weren't getting medication. The guards now in the PSU, Psychiatric Security Unit, use their seniority to get on duty there because it's such good duty and that's institutionalized. That's going to stay.

So some of it will stay. Other things will backslide, but I think it will never go back to what it was with this approach, and I think that's the best that we can expect.

Professor Herma Hill Kay (Cal.): Judge Henderson, you have done so many remarkable things in your judicial career. You emphasized tonight your most recent, but those of us from California remember your courageous invalidation of Proposition 209, which was overruled (*applause*) by a higher authority that I will not name, and I wonder, among all the wonderful issues you have had to judge in your career, which are you the most proud of?

Judge Henderson: That's difficult. Let me first say that life doesn't get any better than having one of your professors ask a question like that. (*Applause*) I have finally arrived. Thank you.

You know, I think, strangely enough, probably the one that I get the most satisfaction from is my dolphin case, and the reason is that, to this day, I get on a regular basis little packets from schoolchildren. I know their teacher says, "Our assignment is to write Judge Henderson; he's the man who saved the dolphins." Dolphins are incredibly popular animals, and so I constantly get feedback from that decision, plus I think it was an important one.

The statistics on that are quite extraordinary. When I got that case, I don't remember the figures, but tens of thousands of dolphins were being killed, and many people know that they are caught in purse seine nets and scooped up, and they are essentially drowned in the process. I didn't know you could drown a dolphin. When I issued my first order, which addressed new legislation that called for observers to be on the American fishing boats to count the dolphin kill, there was a limit of how many dolphins could be killed. I issued an order which called the fleet back because they tried to go out without observers. The fleet then went back out with observers. The first report I got from that fishing trip was that a relatively small number of dolphins had been killed in that period, instead of thousands and thousands, and it's continued like that, so I feel good about that. I think there are a lot of dolphins swimming around that are bringing pleasure to us all. (*Applause*)

Unidentified Speaker: One of the most difficult things to provide in prisons across the country is adequate mental care, because the courts do not do a very good job of identifying serious psychiatric and psychological illnesses. One of the first comments that you made about the case that you had to handle was you said that one prisoner died every week in the California prison system. Do you know what that statistic is today, and has it significantly improved as a result of your efforts?

Judge Henderson: No, that is the statistic today. It came out in an evidentiary hearing I held in 2005 prior to appointing the Receiver. Remember I said, on average, one inmate unnecessarily dies every week. That is based on the expert testimony that there are one to two unnecessary deaths at each of the 33 institutions every year. I say one a week on average because it grabs your attention a little better but, yes, that's the current figure. Now having just taken over the health system, we expect to improve it, but I don't have those figures yet.

President Traynor: Thelton, thank you.

Judge Henderson: Thank you very much. Thank you all. (*Applause*)

President Traynor: Just a brief word. We will meet tomorrow at 9:00 a.m.