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January 25, 2008

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Secretary
Committee on Rules of Practice
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Administrative Office of the
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Washington, D.C. 20544

Re: Proposed Federal Rules Published August 15, 2007

To Whom It May Concern:

I appreciate and applaud the work of the Judicial Conference Advisory Committee in proposing changes to the federal rules relating to time periods and time computation. In general, I support these changes. However, there is one issue with the proposed rules which I wanted to bring to your attention for your further consideration.

Most people today would agree that a day begins at midnight and ends at 11:59:59 p.m. local time. Several of the proposed rules define the "last day" for electronic filing or other purposes as ending "at midnight." I think this is an error. I believe these rules instead should state "at 11:59:59 p.m." rather than "at midnight." This would affect FRCP 6(a)(4)(A), FRCrP 45(a)(4)(A), FRAP 26(a)(4)(A) and (B), and FRBP 9006(a)(4)(A) and perhaps others. May I suggest that you review all of the proposed rules where the word "midnight" appears to be sure it is being used correctly? Otherwise, I fear there may be a lot of confusion about filing deadlines. If a filing deadline is midnight of a particular day, for practical purposes that would mean the deadline is actually the day (or evening) before the particular day.

Again, thank you for the important work that you do.

Kind regards,

Stephen P. Stoltz

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