

**Proposed rules & forms change: Iqbal / Twombly****Sai** to: Rules\_Support

09/28/2015 07:07 AM

History: This message has been forwarded.

Dear Committee on Rules of Practice and Procedure -

Currently, the federal rules, and the forms, reflect pre-Iqbal/Twombly notice pleading standards.

However, post-Iqbal/Twombly, FRCP 8(a)(2) and forms 10-21 (for instance) are so misleading as to be plain error. A litigant narrowly obeying the rule as stated, or using the forms, would be likely to have their suit dismissed on an Iqbal challenge.

This is unfair to litigants attempting to understand the rules by reading their plain meaning.

I therefore request that the Committee update all federal rules and forms to reflect the current state of the law.

In particular, the Committee should ensure that an otherwise reasonable litigant, who is unfamiliar with case law such as Iqbal, and narrowly reads the plain language of the rules or uses the forms provided, does not do so to their detriment.

I do not know to what extent Iqbal applies outside of civil procedure, nor what similar issues may exist due to other developments in case law. I defer to the Committee to examine what rules and forms need to be updated.

The goal should be simply to ensure that they are an accurate guide to current law and reasonable to rely upon.

Respectfully submitted,

/s/ Sai