

MEMORANDUM

TO: Judge Albert B. Maris, Chairman, Committee on Rules of Practice and Procedure

FROM: Judge John C. Fickett, Chairman, Advisory Committee on Criminal Rules

RE: Report of Advisory Committee on Criminal Rules.

1. The Advisory Committee on Criminal Rules has had three meetings--October 14, 1960; May 31-June 2, 1961; and October 30-November 1, 1961. All members of the Committee were present at each of these meetings. A fourth meeting, scheduled for April, 1962, was cancelled for budgetary reasons.

2. At its first meeting the Advisory Committee adopted the following motion: "That the Committee proceed to a study of all the Criminal Rules, but that any tentative or final report on its recommendations be held in abeyance until the entire study has been completed, except where a situation otherwise requires."

3. The Reporter has now completed a study of all of the rules and has made tentative recommendations concerning them. The Committee has discussed in meetings substantially all of these recommendations. Proposals for amendments to Rules 4, 15, 17-21, 23, 24, 28-31, 33-35, 45, 49, and 54-56 are substantially in form for circulation to the bench and bar for comment and criticism. More important and difficult problems concerning Rules 5, 6, 8, 11, 14, 16, 32, 37, 44, and 46 are on the agenda for discussion and determination at a meeting to be held early in October.

4. It is planned that shortly after the October meeting the Committee will have ready for circulation to the bench and bar its recommendations for all of the proposed amendments which have been the subject of Committee discussion. If work on some rules is not completed at that meeting they will be withheld for further study and later recommendations.