

REPORT OF THE JUDICIAL CONFERENCE
COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

TO THE CHIEF JUSTICE OF THE UNITED STATES, CHAIRMAN AND
MEMBERS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES:

Since the last meeting of the Conference, the various Rules Advisory Committees have not submitted to the Standing Committee any proposals for rules amendments and, consequently, the Committee on Rules of Practice and Procedure has not held a meeting. The Committee, however, has scheduled a meeting for next June to review the status of the work of the Advisory Committees, to consider the forthcoming Federal Judicial Center report on the rulemaking process and the desirability of making revisions in rulemaking procedures and to act on any proposed rules amendments that may be submitted by an Advisory Committee.

This report is informational only and contains no recommendation for Conference action.

Criminal Rules

The Advisory Committee on Criminal Rules met on January 8 and 9, 1981 to consider drafts of amendments to various rules submitted by the Reporter. The Advisory Committee anticipates the submission of proposed amendments to the Standing Committee for circulation to the bench and bar for comment sometime this year. The amendments now under consideration will not be ready for submission to

the Judicial Conference until September 1982. At that time the proposed amendments submitted to the bench and bar for comment in November 1979 will be included.

Congress postponed until December 1, 1980 the effective date of several of the amendments to the Criminal Rules and the amendment to Rule 410 of the Evidence Rules which had been transmitted to the Congress by the Chief Justice on April 30, 1979. These amendments automatically became effective on December 1, 1980 when Congress failed to take any further action on these rules.

Bankruptcy Rules

The Advisory Committee on Bankruptcy Rules met on October 31-November 1 and on November 20-21, 1980 and is scheduled to meet again on March 12-13, 1981. The work of preparing new rules under the bankruptcy code is progressing satisfactorily, but because of the magnitude of the task the submission of rules to the bench and bar for comment will not occur before 1982. During the current fiscal year the Advisory Committee will be holding as many meetings to consider draft rules as limited available travel funds will permit.

Civil Rules

The Advisory Committee on Civil Rules met on December 4-5, 1980 and is scheduled to meet again on April 2-3, 1981. The Committee is considering a revision

of the rules relating to pretrial procedure and is reviewing discovery rules in the light of suggestions made since the last amendments were approved. New draft amendments are expected to be ready for circulation to the bench and bar for comment later this year.

Appellate Rules

The Appellate Rules Committee met on December 5, 1980 and will meet again before the end of the year. The Committee is in the early stages of reviewing various proposals to amend the Appellate Rules and is considering, among other problems, the matter of the costs of appeal, especially in the printing of appellate records.

Respectfully submitted,

February 10, 1981

Edward T. Gignoux, Chairman