

**COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES**

August 15, 2007

TO THE BENCH, BAR, AND PUBLIC:

Proposed Rules and Forms Amendments

The Judicial Conference Advisory Committees on the Appellate, Bankruptcy, Civil, and Criminal Rules have proposed amendments to federal rules and Official Forms and requested that the proposals be circulated to the bench, bar, and public for comment. Most of the amendments are proposed in conjunction with the adoption of uniform time-computation rules. The proposed amendments to the federal rules are posted at www.uscourts.gov/rules.

Opportunity for Public Comment

Please provide any comments and suggestions on the proposed amendments, whether favorable or adverse, as soon as possible. **The comment deadline is February 15, 2008.** Comments, suggestions, or other correspondence may be submitted electronically to Rules_Comments@ao.uscourts.gov or in hard copy to the Secretary of the Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts, Washington, D.C. 20544.

The Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules Committees are proposing amendments that simplify and reduce inconsistencies in the computation of time periods under the procedural rules. The principal simplifying innovation is the adoption of a “days-are-days” approach to computing all time periods. Under some of the current rules, intermediate weekends and legal holidays are omitted in computing short periods but included in computing longer periods. Under the proposed amended time-computation rules, in each set of procedural rules, intermediate weekends and holidays are counted regardless of the length of the specified period.

The advisory committees propose that virtually all short time deadlines be extended to account for the effect of including intermediate weekends and holidays in calculating time periods. To further simplify time-counting, most periods of less than 30 days are changed to multiples of 7 days; periods of 7, 14, 21, and 28-days are generally used so that deadlines fall on weekdays, avoiding the need to consider weekends or holidays. No change is proposed to periods longer than 30 days, which do not appear to create problems.

The time-computation provisions in the procedural rules generally apply to time periods in statutes affecting court proceedings. Some of these statutes provide short time periods, which

may be effectively shortened by the proposed changes. The final attachment to the proposed time-computation rules changes is a comprehensive list of short relevant statutory time periods. Many of these statutory provisions are rarely used. The Standing Committee plans to recommend that Congress consider legislation lengthening the few statutory deadlines that are frequently applied or are of particular importance, to offset the effect of the proposed rule changes. The public is invited to comment on whether attorneys generally rely on the time-computation procedural rules in computing time periods set by statutes affecting court proceedings, and on which statutory time periods the Standing Committee should ask Congress to consider amending to adjust for the change in those rules.

The Advisory Committees on the Appellate, Bankruptcy, Civil, and Criminal Rules will hold public hearings on the proposed amendments on the following dates:

- Appellate Rules in Pasadena, California, on January 16, 2008, and in New Orleans, Louisiana, on February 1, 2008;
- Bankruptcy Rules in Pasadena, California, on January 16, 2008, and in Washington, D.C., on January 25, 2008;
- Civil Rules in Pasadena, California, on January 16, 2008, and in Washington, D.C., on January 28, 2008; and
- Criminal Rules in Pasadena, California, on January 16, 2008, and in Washington, D.C., on January 18, 2008.

If you wish to testify, you must contact the Committee Secretary at the above address **at least 30 days before the hearing**. The Advisory Committees will review all timely comments. All comments are made part of the official record and are available to the public.

After the public comment period, the Advisory Committees will decide whether to submit the proposed amendments to the Standing Committee on Rules of Practice and Procedure. At present, the Standing Committee has not approved these proposed amendments, except to authorize their publication for comment. The proposed amendments have not been submitted to nor considered by the Judicial Conference or the Supreme Court.

Lee H. Rosenthal
Chair

Peter G. McCabe
Secretary