

MEMORANDUM

DATE: May 11, 2001

TO: Judge Anthony J. Scirica, Chair
Standing Committee on Rules of Practice and Procedure

FROM: Judge Will Garwood, Chair
Advisory Committee on Appellate Rules

RE: Report of Advisory Committee on Appellate Rules

I. Introduction

The Advisory Committee on Appellate Rules met on April 11, 2001, in New Orleans, Louisiana. At that meeting, the Advisory Committee approved a number of proposed amendments that had been published for comment, declined to approve one such proposed amendment, removed four items from the Committee's study agenda, and discussed but took no action on several other items. Following the April 11 meeting, the Committee took two minor actions by mail ballot; those two actions are identified below.

Detailed information about the Committee's activities can be found in the minutes of the April 11 meeting and in the Committee's docket, both of which are attached to this report.

II. Action Items

Several proposed amendments to the Federal Rules of Appellate Procedure (“FRAP”) — as well as several complementary proposed amendments to the Federal Rules of Civil Procedure (“FRCP”) — were published for comment in August 2000. The Committee received 20 written comments; no commentator asked to testify in person about the proposed amendments. The Committee approved all but one of the proposed amendments for submission to the Standing Committee. Modifications were made to many of the proposed amendments and Committee Notes, but, in the Committee’s view, none of those modifications is so substantial as to require republication.