



JUDICIAL CONFERENCE OF THE UNITED STATES

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Memorandum of Action

Executive Committee Judicial Conference of the United States

March 31, 2011

In September 2010, the Judicial Conference approved a proposed package of style amendments to the Federal Rules of Evidence, which is now before the Supreme Court for approval (JCUS-SEP 10, p. 30). Included in that package are Rules 408(a) (Compromise and Offers to Compromise - Prohibited Uses) and 804(b) (Hearsay Exceptions; Declarant Unavailable - Hearsay Exceptions). In order to avoid a risk that the amendment to Rule 408(a)(1) might be interpreted as a substantive change and for clarity and completeness of Rule 804(b)(4), the Committee on Rules of Practice and Procedure recommended that certain original language of these rules be restored, and the committee sought expedited action to meet Supreme Court time requirements. By mail ballot concluded on March 31, 2011, the Executive Committee agreed on behalf of the Conference to restore language in Rules 408(a)(1) and 804(b)(4) that had been modified as part of the Evidence Rules "style" project.

David Bryan Sentelle

Committee: Harvey Bartle, III
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