

Agenda G-7
Rules of Practice and
Procedure
September 1980

REPORT OF THE
STANDING 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 Judicial Conference, the various Rules Advisory Committees have not submitted to the Standing Committee any proposals for rules amendments and your Committee on Rules of Practice and Procedure has not held a meeting. This report, therefore, is informational only and contains no recommendation for Conference action.

Criminal Rules

The Advisory Committee on Criminal Rules met on July 17-18, 1980 to consider the comments received on the proposed amendments submitted to the bench and bar for comment in November 1979. The Committee decided not to forward any amendments to the Standing Committee at this time. If the new Criminal Code, presently under consideration in the Congress, is approved, the Advisory Committee will review the new code to determine any changes in rules that may be required.

As of the date of this report no final legislative action has been taken on the amendments to the Criminal Rules and the amendment to Rule 410 of the Evidence Rules,

the effective date of which was postponed by Congress until December 1, 1980. The House Judiciary Committee has been considering a bill which would approve some of these rules, modify others, and disapprove of proposed Rule 26.2.

Bankruptcy Rules

The Advisory Committee on Bankruptcy Rules met on April 9 and 10, 1980 and is scheduled to meet again on September 25 and 26, 1980. With the assistance of its reporters, Professor Lawrence King of New York University Law School and Professor Walter Taggart of the Villanova Law School, the Committee is faced with the difficult task of preparing new rules under the new Bankruptcy Code, which will be circulated to the bench and bar for comment as soon as practicable.

Civil Rules

The Advisory Committee on Civil Rules met on April 24, 1980, and is scheduled to meet again on October 2 and 3, 1980. The Committee is currently considering various drafts and amendments to the civil rules, particularly those relating to pretrial procedure.

Appellate Rules

A summer meeting of the Advisory Committee on Appellate Rules was postponed because of an anticipated shortage in available travel funds during the current fiscal year.

Congress has authorized an increase in the funds available for the rules program in the year beginning October 1, 1980 and a meeting of the Appellate Advisory Committee will be scheduled thereafter upon call of the Chairman.

Changes in Committee Membership

In the late Spring I tendered my resignation as Chairman of the Standing Committee, primarily because the work of the Special Court created by the Regional Rail Reorganization Act will probably require almost all my time for the next year or so, and because I believe a younger judge can more effectively present our views to the Congressional Committees. I am delighted to report that the Chief Justice has appointed Chief Judge Edward T. Gignoux, of the District of Maine, to be the new Chairman of the Standing Committee.

Former judge Griffin B. Bell's term as a member of the Standing Committee has expired and his successor will be named at a later date. The term of Professor Frank J. Remington of the University of Wisconsin Law School has been extended for an additional three years.

Respectfully submitted,

August 28, 1980

Roszel C. Thomsen,
Former Chairman