

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
SUPREME COURT BUILDING
WASHINGTON, D. C. 20544

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August 28, 1967

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The Honorable Albert B. Maris, Chairman
Committee on Rules of Practice
and Procedure
Supreme Court Building
Washington, D. C. 20544

Dear Judge Maris:

I enclose herewith a draft of proposed Uniform Appellate Rule 30. This draft embodies the final recommendation of the Appellate Rules Advisory Committee respecting a rule on reproduction of parts of the record on appeal.

The Committee has considered all of the suggestions received from the Bench and Bar following the circulation of the three drafts of a proposed rule in December, 1966. Your Committee has received copies of the responses.

The Advisory Committee adheres to its initial recommendation that necessary parts of the record be reproduced in a single appendix to the briefs to be prepared by the appellant. In June, 1967, the Supreme Court adopted a rule on reproduction of the record very nearly identical with that proposed by the Committee (Supreme Court Rule 36, adopted June 12, 1967, effective October 2, 1967). The Committee has revised its proposed rule to cause it to conform as nearly as possible with the Supreme Court rule. It has also made a few clarifying changes in response to suggestions received.

This proposed draft differs from the draft initially presented to the standing Committee in three noteworthy particulars.

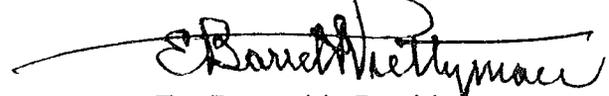
(1) Rule 30(a) as initially presented required that the appendix contain ". . .(4) such other parts of the record as it is deemed essential for the judges to read in order to determine the issues presented." The enclosed draft substitutes ". . .(4) any other parts of the record to which the parties wish to direct the particular attention of the court." The language substituted is found in Supreme Court Rule 36(1).

(2) The "unless" clause at the end of the first sentence of the second paragraph of Rule 30(b) did not appear in the draft initially presented. The clause appears in Supreme Court Rule 36(3). The effect of its addition is to permit an appellee to draw in question in the court of appeals the certification of the appellant that matter designated by the appellee for inclusion in the appendix is unnecessary.

(3) In the draft initially presented, the final sentence of the second paragraph of Rule 30(b) authorized the court of appeals to impose the cost of including unnecessary matter in the appendix "on the party or his counsel." This draft omits "or his counsel." Supreme Court Rule 36(3) omits that language.

I enclose also a final draft of the proposed rule on review of release orders. This draft is substantially the same as proposed Rule 9 previously submitted to the standing Committee. It has been revised to cause its language to conform with that of the Bail Reform Act of 1966.

Sincerely yours,



E. Barrett Prettyman
Chairman
Advisory Committee on
Appellate Rules

Encs. (2)