

MEMORANDUM FROM THE CHAIRMAN, ADVISORY COMMITTEE ON CIVIL
RULES

This Committee is dealing with a set of Civil Rules tested over a period of time and generally considered to be highly successful. We do not, therefore, face the kind of comprehensive, ground-breaking job that confronted the former Advisory Committee when it took up its assignment twenty-five years ago. We anticipate that in the main we shall be probing for soft spots in the Rules and for possible improvements in going practices.

1. Our first task, as we conceive it, is to consider the recommendations for amendments of the Civil Rules made by the former committee in October 1955 upon which the Supreme Court has taken no action. This involves an examination of the background of and reasons for and against the several amendments as shown in the records and papers of the former committee. We must also study the reactions of practicing lawyers and scholars to these proposals, and canvass all relevant legal developments since 1955.

2. Next, we intend to take up, as systematically as possible, particular ideas for improvement of the Rules beyond those comprised in our reconsideration of the 1955 amendments. In order to begin to sound the views of those having steady experience with the workings of Federal civil practice, the chairman has sent a letter of inquiry to all District and Circuit judges inviting criticisms and suggestions. In addition, Mr. George C. Doub, Assistant Attorney General in charge of the Civil Division, a member of our Committee, has made inquiries among the United States Attorneys. A number of replies have been received. In due time we shall also want to engage the interest of members of the

Bar, Bar Associations, and other groups in our work.

In addition to specific referrals from the Standing Committee and suggestions by members of our Committee, we shall look to the Administrative Office to pass along ideas about the Rules arising from its continuous concern with the business of the Federal courts. We shall examine the local rules promulgated by the District Courts to see whether there is anything in them that suggests improvement of the general Rules. Similarly we shall review recent developments in the various State systems of civil procedure, especially those which follow more or less the pattern of the Federal Civil Rules.

3. Research work was started during the summer months by assistants to our reporter. He will begin to give substantial time to the job on September 1st and will have the help of a full time assistant. We plan to hold the first meeting of our Committee sometime this Fall. This will probably be devoted largely to the 1955 amendments.

Other Matters

1. The Advisory Committee on Admiralty Rules, charged with considering the unification of admiralty and civil practices in a single set of rules, has very properly stressed the importance of coordinating the work of the two committees. Arrangements have been made for regular exchange of information which should prevent disjointed efforts. Coordination will of course be further assured by the Standing Committee's oversight and the work of the Executive Secretary.

2. Our Committee will attempt to keep in touch with projects now going on around the country having a possible bearing on our work. Examples are: the study recently inaugurated by the American

Law Institute at the suggestion of the Chief Justice of the United States on the proper division of jurisdiction between State and Federal courts; a study of the effects of the pretrial conference in New Jersey; a project on "international judicial assistance" which will probably produce recommendations pertinent to both State and Federal procedural law.

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