

MINUTES OF THE JANUARY 1963 MEETING OF
THE SPECIAL COMMITTEE ON EVIDENCE

The meeting of the Special Committee on Evidence convened in the Supreme Court Building on January 17, 1963, at 9:45 a. m. The following members were present:

James Wm. Moore, Chairman
Dean Acheson
Phillip Forman
Walter L. Pope
Thomas F. Green, Reporter
Howard P. Fink, Assistant to the Reporter

Others attending were Albert B. Maris, Chairman of the standing Committee on Rules of Practice and Procedure; Dean Mason Ladd and Peyton Ford, members of the standing Committee; Aubrey Gasque, Executive Secretary of the Rules Committees; Will Shafroth and Joseph F. Spaniol, Jr., of the Administrative Office.

The Chairman stated that it was his belief at the time the current rule-making program was launched in 1960 that two of the most notable achievements would be a unification of civil and admiralty practice and uniform rules of evidence. Further, he said that the Admiralty Committee, under Judge Pope's skillful leadership, was well on the way to realizing the first of these achievements. Toward the second endeavor, the Evidence Committee is now addressed.

After opening remarks by the Chairman and the Reporter, the Committee considered at length the Preliminary Report of February 1962

and the replies which have been received from the bench and bar in response to that report.

The Committee directed its discussion principally to that part of the report beginning on page 29 -- the feasibility and desirability of having uniform Federal evidence rules -- and came to the unanimous conclusion that this was both feasible and necessary under the present situation, and that there is ample power to go forward with the project under the existing legislative grants.

At the end of the discussion the Committee unanimously adopted the following resolution, which was moved by Mr. Acheson:

- "1. Rules of evidence applied in the Federal courts should be improved; and
2. Rules of evidence, which would be uniform throughout the Federal court system, are both advisable and feasible."

Further it was the sense of the Committee that under the authority granted by the Rule-Making Act of 1934, an advisory committee of the Judicial Conference should be appointed to draft rules of evidence which would be uniform throughout the federal court system. Moreover, that such a committee should be broadly representative of all segments of the profession.

Professor Moore stated that this meeting concludes the work of the Special Committee on Evidence, and the meeting was adjourned at 11:30 a. m.
