

## EVIDENCE RULES DOCKET (Historical)

### ADVISORY COMMITTEE ON EVIDENCE RULES

The docket sets forth suggested changes to the Federal Rules of Evidence considered by the Advisory Committee since 1992. The suggestions are set forth in order by (1) evidence rule number, or (2) where there is no rule number, or several rules may be affected — alphabetically by subject matter.

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<b>Rule 101</b> Scope		6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b>
<b>Rule 102</b> Purpose and Construction		5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b>
<b>Rule 103</b> Ruling on Evidence		9/93 - Committee considered 5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>

Suggestion	Docket Number, Source, and Date	Status
<p><b>Rule 103(a)</b> When an <i>in limine</i> motion must be renewed at trial (earlier proposed amendment would have added a new Rule 103(e))</p>		<p>9/93 - Committee considered 5/94 - Committee considered 10/94 - Committee considered 1/95 - Standing Committee approved for publication 5/95 - Committee considered and revised note 9/95 - Published for public comment 4/96 - Committee considered 11/96 - Committee considered. Subcommittee appointed to draft alternative. 4/97 - Committee requested publication 6/97 - Standing Committee recommitted to Committee for further study 10/97 - Committee requested publication 1/98 - Standing Committee approved for publication 8/98 - Published for comment 10/98 - Committee considered 4/99 - Committee approved with revisions 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective <b>COMPLETED</b></p>
<p><b>Rule 104</b> Preliminary Questions</p>		<p>9/93 - Committee considered 1/95 - Committee considered 5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b></p>
<p><b>Rule 105</b> Limited Admissibility</p>		<p>9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b></p>
<p><b>Rule 106</b> Remainder of, Related Writings, or Recorded Statements</p>		<p>4/02 - Committee referred to reporter 10/02 - Committee considered 4/03 - Committee considered and declined to take action <b>COMPLETED</b></p>
<p><b>Rule 106</b> Remainder of, Related Writings, or Recorded Statements</p>		<p>5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b></p>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<b>Rule 106</b> Admissibility of “hearsay” statement to correct a misimpression arising from partial admission of the record		4/97 - Committee referred to reporter 10/97 - Committee declined to take action <b>COMPLETED</b>
<b>Rule 201</b> Judicial Notice of Adjudicative Facts		9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment 11/96 - Committee declined to take action <b>COMPLETED</b>
<b>Rule 201(g)</b> Judicial Notice of Adjudicative Facts		5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment 11/96 - Committee declined to take action <b>DEFERRED INDEFINITELY</b>
<b>Rule 301</b> Presumptions in General Civil Actions and Proceedings (applies to evidentiary presumptions but not substantive presumption.)	94-EV-N/A	5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment 11/96 - Committee deferred until completion of project by Uniform Rules Committee <b>PENDING FURTHER ACTION</b>
<b>Rule 302</b> Applicability of State Law in Civil Actions and Proceedings		5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b>
<b>Rule 401</b> Definition of “Relevant Evidence”		9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b>
<b>Rule 402</b> Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible		9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<p><b>Rule 403</b> Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time</p>		<p>9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b></p>
<p><b>Rule 404</b> Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes</p>		<p>9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment 10/94 - Committee considered with Evidence Rule 415 as an alternative to Evidence Rules 413-415 4/97 - Committee considered 6/97 - Judge Stotler sent letter to Senator Hatch on S.3 10/97 - Committee approved and recommended publication 1/98 - Standing Committee approved for publication 8/98 - Published for comment 10/98 - Committee considered 4/99 - Committee approved with revisions 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective <b>COMPLETED</b></p>
<p><b>Rule 404(a)</b> Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes (prohibits character evidence to prove conduct in civil cases)</p>		<p>4/02 - Committee referred to reporter 10/02 - Committee considered 4/03 - Committee considered and declined to take action <b>COMPLETED</b></p>

Suggestion	Docket Number, Source, and Date	Status
<p><b>Rule 404(a)</b> Prohibit the circumstantial use of character evidence in civil cases</p>		<p>4/02 - Committee referred to reporter  10/02 - Committee considered  4/03 - Committee considered  11/03 - Committee considered and approved amendment in principle  4/04 - Committee approved for publication  6/04 - Standing Committee approved for publication  8/04 - Published for public comment  4/05 - Committee approved  6/05 - Standing Committee approved  9/05 - Judicial Conference approved  4/06 - Supreme Court approved  12/06 - Effective  <b>COMPLETED</b></p>
<p><b>Rule 404(b)</b> Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes: Other crimes, wrongs, or acts (uncharged misconduct could only be admitted if the probative value of the evidence substantially outweighs the prejudicial effect)</p>		<p>9/93 - Committee considered  5/94 - Committee decided not to amend (comprehensive review)  6/94 - Standing Committee approved for publication  9/94 - Published for public comment  10/94 - Committee considered  11/96 - Committee considered but declined to take action  4/97 - Committee considered  6/97 - Judge Stotler sent letter to Senator Hatch on S.3  10/97 - Proposed amendment in the Omnibus Crime Control Bill rejected  <b>COMPLETED</b></p>
<p><b>Rule 405</b> Methods of Proving Character (proof in sexual misconduct cases)</p>		<p>9/93 - Committee considered  5/94 - Committee considered  10/94 - Committee considered with Evidence Rule 404 as an alternative to Evidence Rules 413-415  <b>COMPLETED</b></p>
<p><b>Rule 406</b> Habit; Routine Practice</p>		<p>10/94 - Committee decided not to amend (comprehensive review)  1/95 - Standing Committee approved for publication  <b>COMPLETED</b></p>

Suggestion	Docket Number, Source, and Date	Status
<p><b>Rule 407</b> Subsequent Remedial Measures. (extends exclusionary principle to product liability actions, and clarify that the rule applies only to measures taken after injury or harm caused by a routine event)</p>		<p>4/92 - Criminal Rules Committee considered and rejected            9/93 - Committee considered            5/94 - Committee considered            10/94 - Committee considered            5/95 - Committee considered            7/95 - Standing Committee approved for publication            9/95 - Published for public comment            4/96 - Committee approved            6/96 - Standing Committee approved            9/96 - Judicial Conference approved            4/97 - Supreme Court approved            12/97 - Effective  <b>COMPLETED</b></p>
<p><b>Rule 408</b> Compromise and Offers to Compromise</p>		<p>9/93 - Committee considered            5/94 - Committee considered            1/95 - Committee considered            5/95 - Committee decided not to amend (comprehensive review)            7/95 - Standing Committee approved for publication            9/95 - Published for public comment  <b>COMPLETED</b></p>
<p><b>Rule 408</b> Compromise and Offers to Compromise</p>		<p>4/02 - Committee referred to reporter            10/02 - Committee considered            4/03 - Committee considered            11/03 - Committee considered and approved amendment in principle            4/04 - Committee approved for publication            6/04 - Standing Committee approved for publication            8/04 - Published for public comment            4/05 - Committee approved            6/05 - Standing Committee approved            9/05 - Judicial Conference approved            4/06 - Supreme Court approved            12/06 - Effective  <b>COMPLETED</b></p>
<p><b>Rule 409</b> Payment of Medical and Similar Expenses</p>		<p>5/94 - Committee decided not to amend (comprehensive review)            6/94 - Standing Committee approved for publication            9/94 - Published for public comment  <b>COMPLETED</b></p>
<p><b>Rule 410</b> Inadmissibility of Pleas, Plea Discussions, and Related Statements</p>		<p>9/93 - Committee considered and referred to the Criminal Rules Committee  <b>COMPLETED</b></p>

Suggestion	Docket Number, Source, and Date	Status
<p><b>Rule 410</b> To protect statements and offers by the prosecution</p>		<p>4/02 - Committee referred to reporter 10/02 - Committee considered 4/03 - Committee considered 11/03 - Committee considered and approved amendment in principle 4/04 - Committee deferred action <b>PENDING FURTHER ACTION</b></p>
<p><b>Rule 411</b> Liability Insurance</p>		<p>5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b></p>
<p><b>Rule 412</b> Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition</p>		<p>4/92 - Criminal Rules Committee considered 10/92 - Criminal Rules Committee considered 10/92 - Civil Rules Committee considered 12/92 - Published for public comment 5/93 - Public hearing held. Committee considered 7/93 - Standing Committee approved 9/93 - Judicial Conference approved 4/94 - Supreme Court approved with revision 9/94 - § 40140 of the Violent Crime Control and Law Enforcement Act of 1994 (superseded Supreme Court action) 12/94 - Effective <b>COMPLETED</b></p>
<p><b>Rule 412</b> Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or alleged Sexual Predisposition (clarifies whether the rule extends to false claims made by the victim and makes stylistic changes)</p>		<p>4/02 - Committee referred to reporter 10/02 - Committee considered and declined to take action <b>COMPLETED</b></p>
<p><b>Rule 413</b> Evidence of Similar Crimes in Sexual Assault Cases</p>		<p>5/94 - Committee considered 7/94 - Standing Committee considered 9/94 - Congress added by legislation 1/95 - Committee considered 1/95 - Reported to but disregarded by Congress 7/95 - Effective <b>COMPLETED</b></p>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<p><b>Rule 414</b> Evidence of Similar Crimes in Child Molestation Cases</p>		<p>5/94 - Committee considered 7/94 - Standing Committee considered 9/94 - Congress added by legislation 1/95 - Committee considered 1/95 - Reported to but disregarded by Congress 7/95 - Effective <b>COMPLETED</b></p>
<p><b>Rule 415</b> Evidence of Similar Acts in Civil Cases Concerning Sexual Assault or Child Molestation</p>		<p>5/94 - Committee considered 7/94 - Standing Committee considered 9/94 - Congress added by legislation 1/95 - Committee considered 1/95 - Reported to but disregarded by Congress 7/95 - Effective <b>COMPLETED</b></p>
<p><b>Rule 501</b> General Rule (protects confidential communications between sexual assault victims and their therapists or trained counselors)</p>		<p>10/94 - Committee considered 1/95 - Committee considered 11/96 - Committee considered 1/97 - Standing Committee considered 3/97 - Judicial Conference considered 4/97 - Reported to Congress <b>COMPLETED</b></p>
<p><b>Rule 501</b> Privileges (extends the attorney-client privilege to in-house counsel)</p>		<p>11/96 - Committee decided not to take action 10/97 - Committee declined to take action 10/98 - Committee appointed subcommittee to study the issue <b>COMPLETED</b></p>



Suggestion	Docket Number, Source, and Date	Status
<p><b>Rule 501/502</b> Privileges [Note: This proposal evolved into an amendment on Inadvertent Waiver of Attorney-Client Privilege and Work Product; Limitations on Waiver]</p>	96-EV-N/A	<p>11/96 - Committee declined to take action  10/98 - Committee reconsidered and appointed a subcommittee to study the issue  4/99 - Committee deferred consideration pending further study  10/99 - Subcommittee appointed  4/00 - Committee considered subcommittee's proposals  4/01 - Committee considered subcommittee's proposals  4/02 - Committee considered consultant's "Survey of Privileges"  10/02 - Committee considered survey  4/03 - Committee considered survey  11/03 - Committee considered survey  4/04 - Committee considered survey  4/05 - Committee considered survey  11/05 - Committee considered  4/06 - Committee held mini-conference on proposed privilege waiver rule and approved for publication proposed new Evidence Rule 502  6/06 - Standing Committee approved for publication  4/07 - Committee approved  6/07 - Standing Committee approved  9/07 - Judicial Conference approved and forwarded to Congress for consideration  2/08 - Senate passes S. 2450  <b>PENDING FURTHER ACTION</b></p>
<p><b>Rule 501</b> Parent/Child Privilege</p>		<p>4/98 - Committee considered. Draft statement in opposition prepared  <b>COMPLETED</b></p>
<p><b>Rule 601</b> General Rule of Competency</p>		<p>9/93 - Committee considered  5/94 - Committee decided not to amend (comprehensive review)  6/94 - Standing Committee approved for publication  9/94 - Published for public comment  <b>COMPLETED</b></p>
<p><b>Rule 602</b> Lack of Personal Knowledge</p>		<p>9/93 - Committee considered  5/94 - Committee decided not to amend (comprehensive review)  6/94 - Standing Committee approved for publication  9/94 - Published for public comment  <b>COMPLETED</b></p>

Suggestion	Docket Number, Source, and Date	Status
<b>Rule 603</b> Oath or Affirmation		9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b>
<b>Rule 604</b> Interpreters		9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b>
<b>Rule 605</b> Competency of Judge as Witness		9/93 - Committee considered 10/94 - Committee decided not to amend (comprehensive review) 1/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 606</b> Competency of Juror as Witness		9/93 - Committee considered 10/94 - Committee decided not to amend (comprehensive review) 1/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 606(b)</b> To provide an exception for correcting errors in the rendering of the verdict		4/02 - Committee referred to reporter 10/02 - Committee considered 4/03 - Committee considered 11/03 - Committee considered and approved amendment in principle 4/04 - Committee approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment 4/05 - Committee approved 6/05 - Standing Committee approved 9/05 - Judicial Conference approved 4/06 - Supreme Court approved 12/06 - Effective <b>COMPLETED</b>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<b>Rule 607</b> Who May Impeach		9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b>
<b>Rule 607</b> Prohibit parties from calling a witness to impeach the witness with evidence that is otherwise not admissible		4/03 - Committee referred to reporter for further study 11/03 - Committee considered and declined to adopt <b>COMPLETED</b>
<b>Rule 608</b> Evidence of Character and Conduct of Witness		9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b>
<b>Rule 608(b)</b> Inconsistent rulings on exclusion of extrinsic evidence		10/99 - Committee considered 4/00 - Committee directed reporter to prepare draft amendment 4/01 - Committee approved amendments 6/01 - Standing Committee approved for publication 8/01 - Published for public comment 4/02 - Committee approved amendments with revisions 6/02 - Standing Committee approved 9/02 - Judicial Conference approved 3/03 - Supreme Court approved 12/03 - Effective <b>COMPLETED</b>
<b>Rule 609</b> Impeachment. See 404(b)		9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment 11/96 - Committee considered 4/97 - Committee declined to take action <b>COMPLETED</b>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<p><b>Rule 609(a)</b> Clarify types of crimes that qualify for mandatory admission under the rule</p>		<p>4/02 - Committee referred to reporter 11/03 - Committee considered and approved amendment in principle 4/04 - Committee approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment 4/05 - Committee approved 6/05 - Standing Committee approved 9/05 - Judicial Conference approved 4/06 - Supreme Court approved 12/06 - Effective <b>COMPLETED</b></p>
<p><b>Rule 609(a)</b> Substitute the conjunction “and” with “or” to avoid confusion.</p>	<p>98-EV-A Mr. Victor Mroczka, law student 4/28/98</p>	<p>5/98 - Referred to chair and reporter for consideration 10/98 - Committee declined to take action <b>COMPLETED</b></p>
<p><b>Rule 610</b> Religious Beliefs or Opinions</p>		<p>5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b></p>
<p><b>Rule 611</b> Mode and Order of Interrogation and Presentation</p>		<p>9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b></p>
<p><b>Rule 611(b)</b> Does not limit scope of cross-examination by subject matter of the direct examination</p>		<p>4/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment 11/96 - Committee decided not to take action <b>COMPLETED</b></p>
<p><b>Rule 612</b> Writing Used to Refresh Memory</p>		<p>9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b></p>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<p><b>Rule 613</b> Prior Statements of Witnesses</p>		<p>9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 8/94 - Published for public comment <b>COMPLETED</b></p>
<p><b>Rule 613(b)</b> Clarify rejection of common-law rule under which proponent was required to lay a foundation for the prior inconsistent statement at the time the witness testified</p>		<p>4/03 - Committee referred to reporter for further study 11/03 - Committee considered and declined to adopt <b>COMPLETED</b></p>
<p><b>Rule 614</b> Calling and Interrogation of Witnesses by Court</p>		<p>9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment <b>COMPLETED</b></p>
<p><b>Rule 615</b> Exclusion of Witnesses. (Statute guarantees victims the right to be present at trial under certain circumstances and places some limits on rule, which requires sequestration of witnesses. Explores relationship between rule and the Victim's Rights and Restitution Act of 1990 and the Victim Rights Clarification Act of 1997 that was passed in 1996.)</p>		<p>9/93 - Committee considered 5/94 - Committee decided not to amend (comprehensive review) 6/94 - Standing Committee approved for publication 9/94 - Published for public comment 11/96 - Committee considered 4/97 - Committee submitted for approval without publication 6/97 - Standing Committee approved 9/97 - Judicial Conference approved 4/98 - Supreme Court approved 12/98 - Effective <b>COMPLETE</b></p>
<p><b>Rule 615</b> Exclusion of Witnesses</p>		<p>10/97 - Response to legislative proposal considered; members asked for any additional comments <b>COMPLETED</b></p>

Suggestion	Docket Number, Source, and Date	Status
<p><b>Rule 701</b> Opinion testimony by lay witnesses</p>		<p>10/97 - Committee appointed subcommittee to study need for amendment  4/98 - Committee approved subcommittee's proposals and recommended publication  6/98 - Standing Committee approved for publication  8/98 - Published for public comment  10/98 - Committee considered  4/99 - Committee approved with revisions  6/99 - Standing Committee approved  9/99 - Judicial Conference approved  4/00 - Supreme Court approved  12/00 - Effective  <b>COMPLETED</b></p>
<p><b>Rule 702</b> Testimony by Experts</p>		<p>2/91 - Civil Rules Committee considered  5/91 - Civil Rules Committee considered  6/91 - Standing Committee approved for publication  8/91 - Published for public comment by Civil Rules Committee  4/92 - Civil and Criminal Rules Committees considered and revised  6/92 - Committee considered  4/93 - Committee considered  5/94 - Committee considered  10/94 - Committee considered  1/95 - Committee considered (In light of "Contract with America" bill)  4/97 - Committee considered and directed reporter to draft proposed amendment  4/97 - Judge Stotler sent letters to Senator Hatch and Representative Hyde  10/97 - Committee appointed subcommittee to study issue further  4/98 - Committee approved amendment  6/98 - Standing Committee approved for publication  8/98 - Published for public comment  10/98 - Committee considered  4/99 - Committee approved with revisions  6/99 - Standing Committee approved  9/99 - Judicial Conference approved  4/00 - Supreme Court approved  12/00 - Effective  <b>COMPLETED</b></p>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<p><b>Rule 703</b> Bases of Opinion Testimony by Experts. (Whether rule, which permits an expert to rely on inadmissible evidence, is being used as means of improperly evading hearsay rule.)</p>		<p>4/92 - Criminal Rules Committee considered 6/92 - Standing Committee considered 5/94 - Committee considered 10/94 - Committee considered 11/96 - Committee considered 4/97 - Committee considered draft proposal 10/97 - Committee appointed subcommittee to study matter further 4/98 - Committee approved amendment 6/98 - Standing Committee approved for publication 8/98 - Published for public comment 10/98 - Committee considered 4/99 - Committee approved with revisions 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective <b>COMPLETED</b></p>
<p><b>Rule 704(b)</b> Clarify rule limit the conclusory testimony of mental health expert in criminal case</p>		<p>4/03 - Committee referred to reporter for further study 11/03 - Committee considered and declined to adopt <b>COMPLETED</b></p>
<p><b>Rule 705</b> Disclosure of Facts or Data Underlying Expert Opinion</p>		<p>5/91 - Civil Rules Committee considered 6/91 - Standing Committee approved for publication 8/91 - Published for public comment by Civil Rules Committee 4/92 - Civil and Criminal Rules Committees considered 6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective <b>COMPLETED</b></p>
<p><b>Rule 706</b> Establish procedures regulating the appointment of an expert</p>	<p>Judge Robert Gettleman</p>	<p>4/03 - Committee referred to reporter for further study 11/03 - Committee considered 4/04 - Committee declined to take action <b>COMPLETED</b></p>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<p><b>Rule 706</b> Court Appointed Experts (to accommodate some of the concerns expressed by the judges involved in the breast implant litigation, and to determine whether the rule should be amended to permit funding by the government in civil cases)</p>	91-EV-N/A	2/91 - Civil Rules Committee considered and deferred action 11/96 - Committee considered 4/97 - Committee considered and deferred action until CACM completes its study <b>PENDING FURTHER ACTION</b>
<p><b>Rule 801(a-c)</b> Definitions: Statement; Declarant; Hearsay</p>		5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<p><b>Rule 801(d)(1)</b> Definitions: Statements which are not hearsay. Prior statement by witness.</p>		1/95 - Committee considered and approved for publication 5/95 - Committee decided not to amend (comprehensive review) 9/95 - Published for public comment <b>COMPLETED</b>
<p><b>Rule 801(d)(1)(B)</b> Prior consistent statement is admissible to rehabilitate a witness's credibility</p>	Judge Frank W. Bullock, Jr. 24 Fla. St. U. L. Rev. 509 (1997)	4/98 - Committee considered and deferred action 10/02 - Committee directed reporter to conduct further study 11/03 - Committee considered and declined to adopt <b>COMPLETED</b>
<p><b>Rule 801(d)(2)</b> Definitions: Statements that are not hearsay. Admission by party-opponent.</p>		4/92 - Criminal Rules Committee considered and deferred action 1/95 - Standing Committee considered 5/95 - Committee approved 7/95 - Standing Committee approved for publication 9/95 - Published for public comment 4/96 - Committee approved 6/96 - Standing Committee approved 9/96 - Judicial Conference approved 4/97 - Supreme Court approved 12/97 - Effective <b>COMPLETED</b>
<p><b>Rule 802</b> Hearsay Rule</p>		5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>



<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<b>Rule 803(1)-(5)</b> Hearsay Exceptions; Availability of Declarant Immaterial		1/95 - Committee considered 5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 803(3)</b> Clarify whether statements can be admitted to prove the conduct of someone other than the declarant		4/03 - Committee referred to reporter for further study 11/03 - Committee considered 4/04 - Committee declined to take action. Will continue to monitor caselaw <b>COMPLETED</b>
<b>Rule 803(4)</b> Hearsay Exceptions; Availability of Declarant Immaterial		4/02 - Committee referred to reporter 10/02 - Committee considered and declined to take action <b>COMPLETED</b>
<b>Rule 803(6)</b> Hearsay Exceptions; Authentication by Certification (see Rule 902 for parallel change)		9/93 - Committee considered 5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment 11/96 - Committee considered 4/97 - Committee considered and appointed subcommittee to draft amendment 10/97 - Committee approved 1/98 - Standing Committee approved for publication 8/98 - Published for public comment 10/98 - Committee considered 4/99 - Committee approved 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective <b>COMPLETED</b>
<b>Rule 803(6)</b> Hearsay Exceptions; to clarify the need, or lack of need, for a business duty to report the information		4/02 - Committee referred to reporter 10/02 - Committee considered 4/03 - Committee considered and declined to take action <b>COMPLETED</b>
<b>Rule 803(7)-(23)</b> Hearsay Exceptions; Availability of Declarant Immaterial		1/95 - Committee considered 5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<p><b>Rule 803(8)</b> Clarify whether a public report is admissible unless the court finds it to be untrustworthy under the circumstances</p>		<p>4/03 - Committee referred to reporter for further study 11/03 - Committee considered 4/04 - Committee declined to take action. <b>COMPLETED</b></p>
<p><b>Rule 803(8)</b> Hearsay Exceptions; Availability of Declarant Immaterial: Public records and reports.</p>		<p>9/93 - Committee considered 5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment 4/96 - Committee considered 11/96 - Committee declined to take action <b>COMPLETED</b></p>
<p><b>Rule 803(8)(C)</b> Amendment to the trustworthiness proviso of this rule</p>	<p>04-EV-A Center for Regulatory Effectiveness (William G. Kelly, Jr., General Counsel) 8/9/04</p>	<p>8/04 - Referred to reporter and chair 1/05 - Committee declined to adopt <b>COMPLETED</b></p>
<p><b>Rule 803(18)</b> Should “learned treatises” be received as exhibits</p>		<p>4/00 - Committee declined to take action <b>COMPLETED</b></p>
<p><b>Rule 803(18)</b> Application of the rule regarding evidence in electronic form</p>		<p>4/03 - Committee referred to reporter for further study 11/03 - Committee considered and declined to adopt <b>COMPLETED</b></p>
<p><b>Rule 803(24)</b> Hearsay Exceptions; Residual Exception</p>		<p>5/95 - Committee considered and combined with Rule 804(b)(5) and transferred to new Rule 807 7/95 - Standing Committee approved for publication 9/95 - Published for public comment 4/96 - Committee considered 6/96 - Standing Committee approved 9/96 - Judicial Conference approved 4/97 - Supreme Court approved 12/97 - Effective <b>COMPLETED</b></p>
<p><b>Rule 803(24)</b> Hearsay Exceptions; Residual Exception (clarify notice requirements and determine whether rule is being used too broadly to admit dubious evidence)</p>		<p>10/96 - Committee considered and referred to reporter for study 10/97 - Committee declined to take action <b>COMPLETED</b></p>

Suggestion	Docket Number, Source, and Date	Status
<p><b>Rule 804</b> Extending corroborating circumstances requirement to all proffered declarations against penal interest</p>	07-EV-N/A	<p>4/07 - Committee requested study in wake of <i>Crawford v. Washington</i> and <i>Whorton v. Bockting</i>  11/07 - Committee deferred at DOJ request  5/08 - Committee approved for publication  6/08 - Standing Committee approved for publication  <b>PENDING FURTHER ACTION</b></p>
<p><b>Rule 804(a)</b> Hearsay Exceptions; Declarant Unavailable; Definition of Unavailability</p>		<p>4/92 - Criminal Rules Committee considered  6/92 - Standing Committee considered for publication  1/95 - Standing Committee considered and approved for publication  5/95 - Committee decided not to amend (comprehensive review)  7/95 - Standing Committee approved for publication  9/95 - Published for public comment  <b>COMPLETED</b></p>
<p><b>Rule 804(b)(1)-(4)</b> Hearsay Exceptions</p>		<p>10/94 - Committee considered  1/95 - Standing Committee considered and approved for publication  5/95 - Committee decided not to amend (comprehensive review)  7/95 - Standing Committee considered and approved for publication  9/95 - Published for public comment  <b>COMPLETED</b></p>
<p><b>Rule 804(b)(3)</b> Degree of corroboration regarding declaration against penal interest</p>		<p>10/99 - Committee considered  4/00 - Committee directed reporter to prepare draft amendment  4/01 - Committee approved  6/01 - Standing Committee approved for publication  8/01 - Published for public comment  4/02 - Committee approved with substantive revisions. Committee requested re-publication for public comment  6/02 - Standing Committee approved re-publication  8/02 - Published for public comment  4/03 - Committee approved with amendments  6/03 - Standing Committee approved  9/03 - Judicial Conference approved  4/04 - Supreme Court remanded proposal  <b>COMPLETED</b></p>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<p><b>Rule 804(b)(5)</b> Hearsay Exceptions; Other Exceptions</p>		<p>5/95 - Committee considered and combined with Rule 804(b)(5) and transferred to new Rule 807 7/95 - Standing Committee approved for publication 9/95 - Published for public comment 4/96 - Committee considered 6/96 - Standing Committee approved 9/96 - Judicial Conference approved 4/97 - Supreme Court approved 12/97 - Effective <b>COMPLETED</b></p>
<p><b>Rule 804(b)(6)</b> Hearsay Exceptions; Declarant Unavailable (prevents a party from objecting on hearsay grounds to the admission of a statement made by a declarant whose unavailability was caused by the party's own wrongdoing or acquiescence)</p>		<p>4/92 - Criminal Rules Committee approved 7/95 - Standing Committee approved for publication 9/95 - Published for public comment 4/96 - Committee approved 6/96 - Standing Committee approved 9/96 - Judicial Conference approved 4/97 - Supreme Court approved 12/97 - Effective <b>COMPLETED</b></p>
<p><b>Rule 805</b> Hearsay Within Hearsay</p>		<p>1/95 - Committee considered 5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b></p>
<p><b>Rule 806</b> Permit impeachment of hearsay declarant under certain circumstances</p>		<p>10/02 - Committee directed reporter to conduct further study 11/03 - Committee considered and declined to adopt <b>COMPLETED</b></p>
<p><b>Rule 806</b> Attacking and Supporting Credibility of Declarant (eliminate a comma)</p>		<p>5/95 - Committee declined to take action 7/95 - Standing Committee approved for publication 9/95 - Published for public comment 4/96 - Committee considered 6/96 - Standing Committee approved 9/96 - Judicial Conference approved 4/97 - Supreme Court approved 12/97 - Effective <b>COMPLETED</b></p>
<p><b>Rule 806</b> To admit extrinsic evidence to impeach the character for veracity of a hearsay declarant</p>		<p>11/96 - Committee declined to take action <b>COMPLETED</b></p>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<p><b>Rule 807</b> Other Exceptions. Residual Exception (Rules 803(24) and 804(b)(5) were combined to form this new rule)</p>		<p>5/95 - Committee approved 7/95 - Standing Committee approved for publication 9/95 - Published for public comment 4/96 - Committee approved 6/96 - Standing Committee approved 9/96 - Judicial Conference approved 10/96 - Expansion considered and rejected 4/97 - Supreme Court approved 12/97 - Effective <b>COMPLETED</b></p>
<p><b>Rule 807</b> Notice of using the provisions</p>		<p>4/96 - Committee considered 11/96 - Committee declined to take action <b>COMPLETED</b></p>
<p><b>Rule 901</b> Requirement of Authentication or Identification</p>		<p>5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b></p>
<p><b>Rule 902</b> Self-Authentication</p>		<p>5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment 10/98 - Committee considered 4/99 - Committee approved with revisions 6/99 - Standing Committee approved <b>COMPLETED</b></p>
<p><b>Rule 902</b> Use of seals</p>		<p>10/99 - Committee considered 4/00 - Committee declined to take action <b>COMPLETED</b></p>
<p><b>Rule 902(6)</b> Extending applicability to news wire reports</p>	98-EV-N/A	<p>10/98 - Committee considered 4/00 - Committee considered <b>PENDING FURTHER ACTION</b></p>
<p><b>Rules 902 (11) and (12)</b> Self-Authentication of domestic and foreign records (see Rule 803(6) for consistent change)</p>		<p>4/96 - Committee considered 10/97 - Committee approved 1/98 - Standing Committee approved for publication 8/98 - Published for public comment 10/98 - Committee considered 4/99 - Committee approved with revisions 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective <b>COMPLETED</b></p>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<b>Rule 903</b> Subscribing Witness' Testimony Unnecessary		5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 1001</b> Definitions		9/93 - Committee considered 5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 1001</b> Definitions (Cross references to automation changes)	97-EV-N/A	10/97 - Committee considered <b>PENDING FURTHER ACTION</b>
<b>Rule 1002</b> Requirement of Original (technical and conforming amendments)		9/93 - Committee considered 10/93 - Published for public comment 4/94 - Committee recommended that Judicial Conference make technical and conforming amendments 5/95 - Decided not to amend 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 1003</b> Admissibility of Duplicates		5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 1004</b> Admissibility of Other Evidence of Contents		5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 1005</b> Public Records		5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>

<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<b>Rule 1006</b> Summaries		5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 1007</b> Testimony or Written Admission of Party		5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 1008</b> Functions of Court and Jury		5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 1101</b> Applicability of Rules		6/92 - Standing Committee approved 9/92 - Judicial Conference approved 4/93 - Supreme Court approved 12/93 - Effective <hr/> 5/95 - Committee declined to take action 7/95 - Standing Committee approved for publication 9/95 - Published for public comment 4/98 - Committee considered 10/98 - Reporter submitted report. Committee declined to take action <b>COMPLETED</b>
<b>Rule 1102</b> Amendments to permit Judicial Conference to make technical changes		4/92 - Criminal Rules Committee approved 6/92 - Standing Committee considered 9/93 - Standing Committee considered 6/94 - Standing Committee declined to take action 5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>
<b>Rule 1103</b> Title		5/95 - Committee decided not to amend (comprehensive review) 7/95 - Standing Committee approved for publication 9/95 - Published for public comment <b>COMPLETED</b>

Suggestion	Docket Number, Source, and Date	Status
<b>SUBJECT MATTER</b>		
<b>Admissibility of Videotaped Expert Testimony</b>	96-EV-N/A	11/96 - Committee declined to take action but will continue to monitor rule 1/97 - Standing Committee considered <b>PENDING FURTHER ACTION</b>
<b>Attorney-client privilege for in-house counsel</b>	97-EV-A Deborah Willard-Jones, Secretary, for American Bar Association House of Delegates 10/1/97	10/97 - Referred to chair 10/97 - Committee declined to take action <b>COMPLETED</b>
<b>Automation</b> — To investigate whether the Evidence Rules should be amended to accommodate changes in automation and technology	96-EV-N/A	11/96 - Committee considered 4/97 - Committee considered 4/98 - Committee considered 10/02 - Committee considered 11/05 - Committee considered and approved in principle a new Evidence Rule, which would accommodate electronic evidence <b>PENDING FURTHER ACTION</b>
<b>Circuit Splits</b> — To determine whether the circuit splits warrant amending the Evidence Rules		11/96 - Committee considered 4/97 - Committee considered <b>COMPLETED</b>
<b>De Bene Esse Depositions</b> To provide for broader use of de bene esse depositions		02 - Civil Rules Committee solicited input from Committee 4/03 - Committee considered and declined to take action <b>COMPLETED</b>
<b>Medical Billing System</b> — Simplify the system	04-EV-A John D. Gleissner, Esquire 1/26/05	1/05 - Referred to chair and reporter <b>PENDING FURTHER ACTION</b>
<b>Obsolete or Inaccurate Rules and Notes</b> — To identify where the Rules and/or Notes are obsolete or inaccurate.		5/93 - Committee considered 9/93 - Committee considered. Committee did not favor amending the note without an accompanying change in the rule 11/96 - Committee considered 1/97 - Standing Committee considered 4/97 - Committee considered. 10/97 - Committee referred to Federal Judicial Center 1/98 - Committee informed Standing Committee of referral to FJC 6/98 - Reporter's notes published <b>COMPLETED</b>



<b>Suggestion</b>	<b>Docket Number, Source, and Date</b>	<b>Status</b>
<p><b>Preserve Exhibits Pending Appeal</b> To require a court to retain custody of trial exhibits during an appeal</p>		<p>02 - Referred by Criminal Rules Committee 4/03 - Committee considered and declined to take action <b>COMPLETED</b></p>
<p><b>Restyling Project</b> — To rewrite the Federal Rules of Evidence in simple, modern English</p>	06-EV-N/A	<p>4/06 - Project proposed 11/06 - Committee approved pilot project 4/07 - Committee approved project and working principles 11/07 - Committee approved protocol and timetable 5/08 - Committee approved Rules 101-415 for publication 6/08 - Standing Committee approved Rules 101-415 for eventual publication <b>PENDING FURTHER ACTION</b></p>
<p><b>Statutes Bearing on Admissibility of Evidence</b> — To amend the Federal Rules of Evidence to incorporate by reference all of the statutes identified, outside the Evidence Rules, that regulate the admissibility of evidence proffered in federal court</p>		<p>11/96 - Committee considered 4/97 - Committee declined to take action <b>COMPLETED</b></p>
<p><b>Sentencing Guidelines</b> — Applicability of the Federal Rules of Evidence</p>		<p>9/93 - Committee considered 11/96 - Committee declined to take action <b>COMPLETED</b></p>