

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

ALBERT B. MARIS  
CHAIRMAN

WILLIAM E. FOLEY  
SECRETARY

CHAIRMEN OF ADVISORY COMMITTEES

DEAN ACHESON  
CIVIL RULES

PHILLIP FORMAN  
BANKRUPTCY RULES

JOHN C. PICKETT  
CRIMINAL RULES

WALTER L. POPE  
ADMIRALTY RULES

E. BARRETT PRETTYMAN  
APPELLATE RULES

ALBERT E. JENNER, JR.  
RULES OF EVIDENCE

REPORT

TO THE JUDICIAL CONFERENCE OF THE UNITED STATES:

Your standing committee and its advisory committees have continued their work during the past six months. The work will be aided by the recent appointment by the Chief Justice of Professor Bernard J. Ward, former reporter to the Advisory Committee on Appellate Rules, as reporter to our standing committee.

Civil Rules

The Advisory Committee on Civil Rules is continuing to receive comments and suggestions from the bench and bar on the tentative draft of revised discovery rules which were published in November 1967. The Committee hopes to complete its consideration of these suggestions and comments during the coming winter and to present a definitive draft to our committee in the spring.

Criminal Rules

The Advisory Committee on Criminal Rules is continuing to study those phases of criminal procedure on which it has not heretofore reported, particularly the arraignment and other pre-

Appellate Rules

The Advisory Committee on Appellate Rules has completed its assignment, the Federal Rules of Appellate Procedure which it formulated having been adopted by the Supreme Court and having gone into effect July 1, 1968. Suggestions which may be received by our committee for the improvement of these rules in the light of their actual operation will, of course, be given full consideration and amendments will be proposed if and when it appears they are needed.

Rules of Evidence

The Advisory Committee on Rules of Evidence is holding frequent meetings and is hard at work on the very large task assigned to it. Its tentative draft of uniform rules of evidence is nearing completion and it is hoped that the draft will be ready for publication and public discussion within the next six months.

On behalf of the Committee,

*Albert B. Morris*  
Chairman

September 3, 1968

REPORT OF THE 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:

The Committee on Rules of Practice and Procedure held two meetings during the period since the last session of the Judicial Conference in March 1974. The first was a joint meeting with the Advisory Committee on Rules of Evidence held in Washington on April 5, 1974, to consider a proposed report to the Senate Committee on the Judiciary on H.R. 5463, a bill to amend the proposed Rules of Evidence as submitted to the Congress by the Supreme Court. The second meeting was held on June 21, 1974, and was concerned primarily with two chapters of the bankruptcy rules and certain proposed amendments to the criminal rules.

RULES OF EVIDENCE

As the Conference was previously advised, the Congress by an act of March 30, 1973, directed that the proposed Federal Rules of Evidence as prescribed by the Supreme Court on November 20, 1972, and transmitted to the Congress on February 5, 1973, shall have no effect "except to the extent, and with such amendments, as they may be expressly approved by Act of Congress" (PL 93-12). On February 6, 1974, the House of Representatives

studied and in part adopted by the Advisory Committee. The Standing Committee considered the proposed Chapter X and Chapter XII rules in detail, and after making some changes transmits them herewith to the Judicial Conference and recommends that they be approved for transmission to the Supreme Court with a recommendation that the Supreme Court prescribe them and transmit them to the Congress. The proposed Chapter X rules are attached herewith as Appendix B and the proposed Chapter XII rules as Appendix C.

The rules and forms under Chapter XI (Arrangements) of the Bankruptcy Act approved by the Conference at the September 1973 session were transmitted to the Supreme Court, and pursuant to the order of the Court and without any adverse comments from the Congress, became effective July 1, 1974.

A preliminary draft of proposed rules under Chapter IX (Composition of Indebtedness of Certain Taxing Agencies) is currently being distributed to the bench and bar for comment, and a draft of rules governing railroad reorganization procedures under Chapter VIII remains under consideration by the Advisory Committee.

#### APPELLATE RULES

The recently formulated Advisory Committee on Appellate Rules is scheduled to hold its first formal meeting on September 20, 1974. Professor Jo Desha Lucas of the University of Chicago School of Law has been named reporter of this Committee, which

operates under the chairmanship of Judge William H. Hastie, Senior Judge of the Third Circuit.

#### CRIMINAL RULES

The proposed amendments to the Federal Rules of Criminal Procedure approved by the Judicial Conference at its October 1972 session and subsequently prescribed by the Supreme Court were transmitted to the Congress on April 22, 1974, by the Supreme Court, with August 1, 1974, as the effective date. Legislation enacted by the Congress (PL 93-361) and signed by the President on July 31, 1974, has deferred the effective date of these rules until August 1, 1975, with a view to permitting the Congress to examine these amendments and to hold hearings thereon.

At its June 21 meeting the Standing Committee considered proposed rules governing habeas corpus proceedings. After a detailed and careful review of these proposed rules they were returned with the comments of the Standing Committee to the Advisory Committee on Criminal Rules.

Respectfully submitted,

Roszel C. Thomsen  
Chairman

Charles W. Joiner  
Richard E. Kyle  
Carl McGowan  
James Wm. Moore  
Bernard G. Segal  
Frank W. Wilson  
Charles Alan Wright