

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE

JUDICIAL CONFERENCE OF THE UNITED STATES

SUPREME COURT BUILDING

WASHINGTON 25, D. C.

February 13, 1961

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MEMORANDUM

TO: Judge Albert B. Maris, Chairman, Committee on
Rules of Practice and Procedure

FROM: Edward L. Barrett, Jr., Reporter, Advisory *ELB*
Committee on Criminal Rules

RE: Report of Advisory Committee on Criminal Rules

1. This report is being made by the Reporter in lieu of Judge John C. Pickett, Chairman of the Committee. Judge Pickett is out of the country and will not return until after the meeting of the Committee on Rules of Practice and Procedure.

2. The Advisory Committee on Criminal Rules met in the Supreme Court Building on October 14, 1960. All members of the Committee were present. The Chief Justice attended a portion of the meeting. Also attending were Judge Maris, Professor James W. Moore, Warren Olney III, and Aubrey Gasque.

3. At the October 14 meeting the Advisory Committee discussed at some length the procedures which it would follow. The following motion was unanimously adopted: "That the Committee proceed to a study of all the Criminal Rules, but that any tentative or final report on its recommendations be held in abeyance until the entire study has been completed, except where a situation otherwise requires."

4. Pursuant to the foregoing motion it is not planned that the Advisory Committee will have recommendations to be considered by the Committee on Rules of Practice and Procedure until such time as a tentative draft covering all of the Rules has been prepared. Of course, if good reason appears for taking earlier action on one or more of the Rules, this will be done.

5. At the October 14 meeting the Advisory Committee discussed many of the problems arising from Rule 5. Since that meeting a tentative draft covering Rules 1 to 9 and 14 has been prepared and circulated to the members of the Committee for preliminary consideration. A tentative draft covering Rules 18-22 will be distributed shortly. Following this draft will be one on Rules 10-17.

cc: Mr. Gasque
Judge Pickett