

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

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REPORT
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TO THE JUDICIAL CONFERENCE OF THE UNITED STATES:

Appellate Rules

Since our last report the Congress has enacted the Act of November 6, 1966, Pub. L. 89-773, 80 Stat. 1323, which amends 28 U.S.C. § 2072, so as to confer upon the Supreme Court authority to prescribe the rules of procedure in the courts of appeals in civil cases, including those involving maritime claims, and in agency reviews. This rounds out the authority of the Court to prescribe procedural rules for the courts of appeals since under existing statutes the Court already had that authority with respect to criminal cases, bankruptcy proceedings and Tax Court decisions. The Supreme Court accordingly now has full authority to promulgate the uniform appellate rules which are in the final stage of preparation.

As reported in September 1966 our committee has approved, except in one respect, a definitive draft of appellate rules. The rule not yet finally approved is Rule 30 relating to the manner in which the pertinent parts of the record on appeal are to be reproduced for the use of the judges of the court. This rule, as proposed by the Advisory Committee on Appellate Rules, together with two

alternative drafts, has now been printed and widely distributed to the bench and bar for comment. It is hoped that these comments will be received by July 1st and that a final definitive draft of the appellate rules, including Rule 30, will be ready for submission to the Conference in September 1967 for approval and transmittal to the Supreme Court.

Civil Rules

At a meeting last week the Advisory Committee on Civil Rules approved a draft of revised rules in the field of depositions and discovery. It is expected that these will soon be published and distributed to the bench and bar for comment.

Bankruptcy Rules and Rules of Evidence

The Advisory Committees on Bankruptcy Rules and on Rules of Evidence are continuing intensive work on their tasks of preparing comprehensive drafts of rules in their respective field. In each case there is still much work to be done before a draft is ready for submission to the bench and bar.

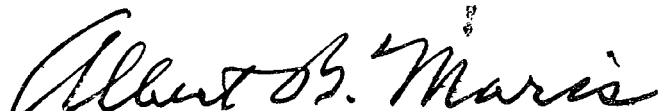
Criminal Rules

The Advisory Committee on Criminal Rules is continuing its study of the subject of preliminary hearings and motions, but is not yet ready to report thereon.

Admiralty Rules

The Advisory Committee on Admiralty Rules, as authorized by the Conference last September (Rept. p. 42), is continuing to study the effect in practice of the newly amended civil rules as they bear upon the maritime litigation. In addition the Advisory Committee is prepared to undertake the preparation of legislation to bring the existing statutes into harmony with the present provisions of the civil rules relating to the litigation of admiralty or maritime claims, if authorized to do so as recommended by the Committee on Revision of the Laws.

Respectfully submitted,


Chairman

March 13, 1967