

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

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RULES OF EVIDENCE

REPORT

TO THE JUDICIAL CONFERENCE OF THE UNITED STATES:

Your standing committee on rules of practice and procedure presents the following report:

Civil Rules

The amendments to the Federal Rules of Civil Procedure relating to depositions and discovery which were approved by the Conference at its last session were transmitted to the Supreme Court on November 3, 1969 and are now under consideration by the Court.

Criminal Rules

The Advisory Committee on Criminal Rules met on January 5 and 6, 1970 and plans to meet again on June 1, 2 and 3, 1970. At the end of January your standing committee published and circulated widely to the bench and bar proposed amendments to Rules 1, 3, 4, 5, 6, 9, 12, 16, 17, 20, 32, 40, 41, 44, 46, 48, 54 and 55 of the Federal Rules of Criminal procedure together with proposed new Rules 5.1, 29.1, 32.1, 32.2, 32.3 and 32.4. We have asked that comments and suggestions with respect to these proposals be placed in our hands not later than April 1, 1971 so that definitive

proposals with respect to these rules may be reported to the Conference at its session in September, 1971. Meanwhile the Advisory Committee will be continuing its study of the criminal procedure and will be giving consideration to the question as to how early in the process of investigation of a crime and arrest of a suspected criminal the rule making authority of the Supreme Court comes into play. The Council of Judges of the National Council on Crime and Delinquency has published "Model Rules of Court on Police Action from Arrest to Arraignment" which suggest that the rule making power starts "when a person is first subjected to police interrogation while in custody or at the station house or is otherwise deprived of his freedom in any way." As directed by the Conference, the Advisory Committee is also undertaking a study of proposed rules of procedure in habeas corpus and 28 U.S.C. § 2255 cases in the district courts.

#### Admiralty Rules

The Advisory Committee on Admiralty Rules is continuing its study of the operation of the unified civil rules and their supplemental rules as they apply to maritime cases. Comments received from the admiralty bar in reply to the Advisory Committee's letter to them will be given careful consideration in this connection.

#### Bankruptcy Rules

The Advisory Committee on Bankruptcy Rules is continuing with its task of preparing rules of procedure in bankruptcy

and the various debtors' relief proceedings provided for by the Bankruptcy Act. The Advisory Committee met on November 19, 20, 21 and 22, 1969.

#### Rules of Evidence

Comments and suggestions from the bench and bar with respect to the draft of uniform rules of evidence for the federal courts which our committee circulated in March 1969 are due to come in not later than April 1, 1970. After careful consideration of these suggestions by the Advisory Committee on Rules of Evidence our committee hopes to be able to report a definitive draft of uniform rules of evidence to the Conference in September 1970.

#### Appellate Rules

The amendments to the Federal Rules of Appellate Procedure approved by the Conference at its last session were transmitted to the Supreme Court on November 9, 1969 and are now being considered by the Court. Our committee is giving consideration to a number of other suggestions which have been made for the amendment of appellate rules and will report upon them at a future session.

On behalf of the Committee,

February 20, 1970

*Albert B. Maris*  
Chairman