

March 1979

REPORT OF THE STANDING 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 Advisory Committee on Civil Rules met twice this winter and considered the many comments received on the preliminary draft of proposed amendments which was circulated last year. A revised preliminary draft was developed and has been circulated for further comment. It is hoped that a final draft will be approved by the Advisory Committee in June, considered by the Standing Committee shortly thereafter and submitted to this Conference in September.

Proposed amendments to the Criminal Rules and to the Appellate Rules which were approved by the Conference in September 1978 were forwarded to the Supreme Court shortly thereafter.

The Advisory Committee on Appellate Rules has been reconstituted, with Circuit Judge Ainsworth of the Fifth Circuit as Chairman; that committee has held one meeting, but is not expected to propose any amendments this year.

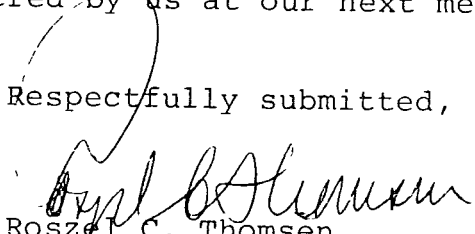
A new Advisory Committee on Bankruptcy Rules has been appointed, with Circuit Judge Aldisert of the Third Circuit as Chairman. It will meet in the late spring to consider recommendations by its two reporters.

In his message to the American Bar Association in

February (1979) the Chief Justice stated that he would request the Federal Judicial Center and the Judicial Conference to study the problem of the participation of the Supreme Court in the rule-making process.

Two bills have been introduced in the House of Representatives to amend the statutes dealing with the rule-making power in important respects. They have been referred to the Judiciary Committee of the House. One of the bills would eliminate the provision that the Supreme Court consider any proposed amendments to the Rules after they have been approved by the Judicial Conference. Those bills have been referred to our Committee and will be considered by us at our next meeting.

Respectfully submitted,


Roszel C. Thomsen
Chairman

February 22, 1979