

REPORT OF THE JUDICIAL CONFERENCE

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

**TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES:**

The Committee on Rules of Practice and Procedure met on June 7-8, 2000. All members attended the meeting. The Department of Justice was represented by Daniel Marcus, Acting Associate Attorney General. Roger A. Pauley, Director, Department of Justice, Office of Legislation, Criminal Division, also attended part of the meeting.

Representing the advisory rules committees were: Judge Will L. Garwood, chair, and Professor Patrick J. Schiltz, reporter, of the Advisory Committee on Appellate Rules; Judge Adrian G. Duplantier, chair, and Professor Jeffrey W. Morris, reporter, of the Advisory Committee on Bankruptcy Rules; Judge Lee H. Rosenthal, attending on behalf of Judge Paul V. Niemeyer, chair, and Professor Edward H. Cooper, reporter, of the Advisory Committee on Civil Rules; Judge W. Eugene Davis, chair, and Professor David A. Schlueter, reporter, of the Advisory Committee on Criminal Rules; and Judge Milton I. Shadur, chair, and Professor Daniel J. Capra, reporter, of the Advisory Committee on Evidence Rules.

Participating in the meeting were Judge James A. Parker, former chair of the Subcommittee on Style; Peter G. McCabe, the Committee's Secretary; Professor Daniel R. Coquillette, the Committee's reporter; John K. Rabiej, Chief, and Mark D. Shapiro, Deputy Chief of the Administrative Office's Rules Committee Support Office; Abel J. Mattos, chief of

NOTICE

NO RECOMMENDATION PRESENTED HEREIN REPRESENTS THE POLICY OF THE JUDICIAL
CONFERENCE UNLESS APPROVED BY THE JUDICIAL CONFERENCE ITSELF.

the Court Administration Policy Staff; Marie Leary of the Federal Judicial Center; Professor Mary P. Squiers, Director of the Local Rules Project; and Professor R. Joseph Kimble and Joseph F. Spaniol, consultants to the Committee.

PARALLEL LANGUAGE OF RULES

Different sets of rules, i.e., Appellate, Bankruptcy, Civil, Criminal, and Evidence Rules, often deal with the same subjects. Over the years, independent actions by different advisory committees have produced differences of expression that may generate confusion. The Standing Committee is now assisting the advisory committees in adopting language that is as uniform as possible when the rules deal with common topics. Amendments requiring a party to disclose financial interests and establishing procedures governing service of papers by electronic means are two such overlapping issues addressed by the advisory committees.

New Civil Rule 7.1 and Criminal Rule 12.4 are based on a revised Appellate Rule 26.1, which requires a nongovernmental corporate party to disclose any parent corporation. The rules and amendments proposed for publication are very similar to each other with minor differences accounting for different contexts. Meanwhile, the Advisory Committee on Bankruptcy Rules continues to consider similar amendments, but it requires additional time to study the issues, which are more complicated in the bankruptcy field.

The Advisory Committees on Bankruptcy and Civil Rules are submitting to the Judicial Conference for approval proposed rule amendments permitting service of papers and transmission of court notices by electronic means on parties who consent, and providing a three-day response time in these cases similar to the three days provided under the general “mail rule.” The proposed amendments to Civil Rules 5, 6, 77 and Bankruptcy Rules 9006 and 9022

implementing these proposals are similar to amendments to Appellate Rules 25, 26, 36, and 45, which are proposed for publication.

FEDERAL RULES OF APPELLATE PROCEDURE

Rules Approved for Publication and Comment

The Advisory Committee on Appellate Rules proposed amendments to Rules 4, 5, 21, 25, 26, 26.1, 36, and 45. At the January 2000 meeting, the Standing Committee approved publication for comment of proposed amendments to Rules 1, 4, 5, 15, 24, 26, 27, 28, 31, 32, 41, and 44 and new Form 6, which were discussed in the Committee's March 2000 report to the Judicial Conference. With the notable exceptions of amendments to Rules 4(a)(7) and 26.1, the presently proposed changes, as well as those approved in January for publication, are generally "housekeeping." Several amendments have been under study since 1997, but have been reserved until now to allow the bench and bar to become familiar with the comprehensive restyled appellate rules, which took effect in December 1998. For comparison purposes, the proposed rule amendments would take effect no earlier than December 2002.

Rule 4(a)(7)(Entry Defined) would be amended to address conflicting decisions of the courts of appeals regarding the time to appeal judgments. The issue arises when a district court's order or judgment has been entered on the civil docket but not on a separate document in accordance with Civil Rule 58, because neither the time to bring a post-judgment motion nor the time to appeal ever begins to run. Consequently, judgments improperly entered years ago may still be open to appeal. The proposed amendment to Rule 4(a)(7), in combination with proposed amendments to Civil Rule 58, cures this problem. The rules provide that when a separate document is required, judgment is entered on either of two events, whichever is earlier: when the judgment is entered on the civil docket and set forth on a separate document, or when 60 days

have run from entry of the judgment on the civil docket. Under the proposed amendments to Civil Rules 54 and 58, moreover, orders disposing of certain post-judgment motions would no longer need to be entered on a separate document.

The proposed amendment to Rule 5 (Form of Papers; Number of Copies) corrects a cross reference and limits petitions for permission to appeal to 20 pages.

The proposed amendment to Rule 21(d) (Writs of Mandamus and Prohibition, and Other Extraordinary Writs) similarly corrects a cross reference and limits petitions for extraordinary relief to 20 pages.

The proposed amendments to Rules 25, 26, 36, and 45 set out procedures providing service and notice by electronic means. Rule 25(c)-(d) (Filing and Service) would be amended to permit electronic service on parties who consent. Rule 26(c) (Computing and Extending Time) would be amended consistent with the existing three-day “mail rule” to provide a party with an additional three calendar days to respond to a paper served by electronic means. Under proposed amendments to Rule 36(b) (Entry of Judgment; Notice) and Rule 45(c) (Clerk’s Duties), a clerk of court would be permitted to serve a judgment or a notice of entry of an order or judgment, respectively, on a party who has consented to such service by electronic means.

At the request of the Committee on Codes of Conduct, the advisory committees considered changes to their respective rules requiring a nongovernmental corporate party to disclose financial interests as presently required under Appellate Rule 26.1, so that a judge could ascertain whether recusal is necessary. The rules committees requested the Federal Judicial Center to survey local rules that require disclosure to determine the range of financial interests that the courts have required parties to disclose. The Center found that current disclosure

practices varied significantly, with most appellate and several district courts requiring information beyond that presently called for under Appellate Rule 26.1.

The proposed amendment of Rule 26.1 (Disclosure Statement) is similar to amendments proposed to the Civil and Criminal Rules. Under the proposed amendments, a nongovernmental corporate party would continue to disclose any parent corporation and any publicly held corporation that owns 10 percent of its stock, or state that no such corporation exists. Moreover, a party would also be required to disclose any information that may be required by the Judicial Conference and supplement its disclosures when circumstances change. The rules committees believe that the Judicial Conference is best suited to adopt any additional disclosure requirements that experience proves desirable and feasible.

The Committee voted to circulate the proposed amendments to the bench and bar for comment.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Rules Recommended for Approval and Transmission

The Advisory Committee on Bankruptcy Rules submitted proposed amendments to Rules 1007, 2002, 3016, 3017, 3020, 9006, 9020, and 9022, and Official Form 7 with a recommendation that they be approved and transmitted to the Judicial Conference. The amendments were circulated to the bench and bar for comment in August 1999. The scheduled public hearing was canceled because the single request to testify was withdrawn.

Under the proposed amendment to Rule 1007 (Lists, Schedules, and Statements; Time Limits), a debtor who knows that a creditor is an infant or incompetent person would be required to include in the list of creditors and schedules the name, address, and legal relationship of any representative of that creditor.

The proposed amendments to Rule 2002 (Notices to Creditors, Equity Security Holders, United States, and United States Trustee) would require that a party who is entitled to notice of a plan confirmation hearing be given adequate notice of any injunction that would enjoin conduct not otherwise enjoined by the Bankruptcy Code. The amendments also clarify provisions governing mailing addresses of creditors and indenture trustees.

Rule 3016 (Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases) would be amended to require adequate notice of a proposed injunction to entities whose conduct would be enjoined under a plan rather than by the Bankruptcy Code.

The proposed amendment to Rule 3017 (Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases) would require a court to consider prescribing procedures that would provide adequate notice of an injunction to be issued under a proposed plan, rather than by operation of the Bankruptcy Code, to entities who are neither creditors nor equity security holders.

Rule 3020 (Deposit; Confirmation of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case) would be amended to require that an order of confirmation describe in reasonable detail the terms, scope, and conditions of an injunction issued under a plan, enjoining conduct not otherwise enjoined by the Bankruptcy Code.

The proposed amendment of Rule 9006(f) (Time) would provide a party with an additional three days to respond to a paper served by electronic means.

The proposed amendments to Rule 9020 (Contempt Proceedings) would apply the procedures governing contested matters to a motion filed by an United States trustee or a party in interest for an order of contempt. The amendment only sets out a procedure for handling a

motion for contempt; it does not address the existence of the power of a bankruptcy court to issue a contempt order.

Rule 9022 (Notice of Judgment or Order) would be amended to permit the clerk of court to use electronic means to serve notice of entry of an order or judgment on a party who has consented to such service.

The Committee concurred with the advisory committee's recommendations.

Recommendation: That the Judicial Conference approve the proposed amendments to Bankruptcy Rules 1007, 2002, 3016, 3017, 3020, 9006, 9020, and 9022 and transmit them to the Supreme Court for its consideration with the recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

Official Form 7 (Statement of Financial Affairs) would be revised to provide additional information regarding the debtor to taxing authorities, pension fund supervisors, and government units charged with environmental protection and regulation. The Committee concurred with the advisory committee's recommendation.

Recommendation: That the Judicial Conference approve the proposed revisions to Official Bankruptcy Form 7.

The proposed amendments to the Federal Rules of Bankruptcy Procedure and the revision of Official Form 7 are in Appendix A together with an excerpt from the advisory committee report.

Rules Approved for Publication and Comment

The advisory committee proposed amendments to Rules 1004, 2004, 2014, 2015, 4004, 9014, and 9027, new Rule 1004.1, and revisions of Official Form 1 with a recommendation that they be published for comment.

Rule 1004 would be amended to clarify the procedures governing an involuntary petition against a partnership filed by fewer than all of the general partners. Proposed new Rule 1004.1

establishes procedures for a case commenced on behalf of an infant or an incompetent person. Rule 2004 would be amended to compel a witness to attend an examination of an entity under procedures governing a subpoena in Civil Rule 45, whether the examination is conducted within or outside the district in which the case is pending. Under the proposed amendments to Rule 2014, a professional seeking to render services in a bankruptcy case must disclose to the court certain information substantiating the person's "disinterestedness" in the case. Rule 2015 would be amended to clarify the trustee's or debtor in possession's duty to report disbursements. Under the proposed amendment of Rule 4004, the filing of a motion to dismiss under § 707 of the Bankruptcy Code would postpone the entry of discharge in a chapter 7 case.

Rule 9014 governs contested matters. It would be amended to permit service by electronic means, clarify that an evidentiary hearing must be held if a disputed, unresolved material issue of fact exists, and establish procedures notifying attorneys at an early date of a hearing at which witnesses are to appear. Rule 9027 would be amended to clarify the time limits for filing a notice of removal of a claim or cause of action filed after the commencement of a bankruptcy case, whether the bankruptcy case is still pending or has been suspended, dismissed, or closed. Finally, Official Form 1 would be revised to require the debtor to disclose ownership or possession of property that poses a threat of harm to the public health or safety.

The Committee approved the recommendations of the advisory committee to circulate the proposed rule amendments and Official Form revision to the bench and bar for comment.

Informational Item

The advisory committee continues to monitor pending legislation that would substantially reform the Bankruptcy Code. A few provisions in the pending bills would directly affect the bankruptcy rules, and the committee had notified Congress of its concerns. If bankruptcy reform

legislation were to pass, the rules and Official Forms would need substantial and prompt revision to implement the statutory changes.

FEDERAL RULES OF CIVIL PROCEDURE

Rules Recommended for Approval and Transmission

The Advisory Committee on Civil Rules submitted proposed amendments to Rules 5, 6, 65, 77, 81, and 82, and abrogation of the Copyright Rules with a recommendation that they be approved and transmitted to the Judicial Conference. With the exception of the amendments to Rule 82, which involve only a technical conforming change, the amendments were published for comment by the bench and bar in August 1999. The scheduled public hearing was canceled because the single request to testify was withdrawn.

Electronic and Other Service

The proposed amendment of Rule 5(b) (Service and Filing of Pleadings and Other Papers) would permit electronic service on parties who give written consent. Under the amendment, electronic service would be complete on transmission. But service by electronic means is not effective if the party making service learns that the attempted service did not reach the person served. (Civil Rule 5 is cross-referenced in Bankruptcy Rule 7005 and Criminal Rule 49(b), which extend the application of Rule 5 to adversary proceedings in bankruptcy cases and to criminal cases.) The language and formatting of Rule 5(b) also were restyled.

Rule 6(e) (Time) would be amended to provide a party with an additional three days to respond to a paper served by electronic means. Although electronic service often is instantaneous, delays frequently occur. The added three-day response time is consistent with the three-day “mail rule” and is intended to eliminate any perceived disadvantage in using electronic means.

The proposed amendments to Rule 77(d) (District Courts and Clerks) would permit courts to serve notices by electronic means on parties who have so consented.

Copyright Rules

The Copyright Rules of Practice were prescribed by the Supreme Court and are set out in 17 U.S.C.A. following § 501. They deal only with prejudgment seizure of copies alleged to infringe a copyright. The rules were written for the 1909 Copyright Act and have not been changed to reflect inconsistent provisions in the 1976 Copyright Act. They do not conform to modern concepts of due process. In 1964 the advisory committee challenged the seizure procedure as one that:

is rigid and virtually eliminates discretion in the court; it does not require the plaintiff to make any showing of irreparable injury as a condition of securing the interlocutory relief; nor does it require the plaintiff to give notice to the defendant of an application for impounding even when an opportunity could feasibly be provided.

These problems prompted the advisory committee in 1964 to recommend that the Copyright Rules be abrogated and that Civil Rule 65 be amended to provide an impoundment procedure for articles involved in an alleged copyright infringement. The recommendation was withdrawn because Congress was considering a thorough revision of the copyright laws that was eventually enacted in 1976.

The advisory committee actively solicited comment in 1997 from organizations and experienced counsel on the need to update the Copyright Rules. The advisory committee notified staff of the House Judiciary Subcommittee on Courts and Intellectual Property of its intent to recommend that the Copyright Rules be abrogated. Representative Howard Coble (R-NC), chairman of the subcommittee, expressed concern that any proposed amendment might interfere with pending copyright legislation and ongoing United States multilateral treaty obligations. The

United States has been actively encouraging all countries to provide effective intellectual property protections. At Chairman Coble's request, the advisory committee deferred recommending publication of the proposals for one year.

During the one-year delay, Congress acted on pending measures. The advisory committee has now concluded that the Copyright Rules should be abrogated and Civil Rule 65 be amended to expressly govern impoundment proceedings. Under the proposed amendments, impoundment may still be ordered on an ex parte basis if the applicant makes a strong showing of the reasons why notice is likely to defeat effective relief. But the proposed changes would eliminate the concern that the rules may be invalid and will help ensure that the United States is in compliance with its international obligations.

Amendments to Rule 81 (Applicability in General) are proposed to conform to the abrogation of the Copyright Rules, to eliminate an outdated reference to mental health proceedings, and to clarify a reference to the Bankruptcy Rules.

Technical Conforming Amendment

Rule 82 (Jurisdiction and Venue Unaffected) would be amended to correct a citation to a repealed section of title 28 of the United States Code. In accordance with Judicial Conference procedures governing the rulemaking process, the Committee determined that the change need not be published for comment because it was solely a technical conforming amendment.

The Committee concurred with the advisory committee's recommendations. The proposed amendments to the Federal Rules of Civil Procedure and the abrogation of the Copyright Rules are in Appendix B together with an excerpt from the advisory committee report.

Recommendation: That the Judicial Conference approve the proposed amendments to Civil Rules 5, 6, 65, 77, 81, and 82, and a proposed abrogation of the Copyright Rules and transmit these changes to the Supreme Court for its

consideration with the recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

Rules Approved for Publication and Comment

The advisory committee proposed amendments to Rules 54, 58, 81, and a new Rule 7.1 with a recommendation that they be published for comment.

Proposed new Rule 7.1 (Disclosure Statement) would require a nongovernmental corporate party to disclose any parent corporation and any publicly held corporation that owns 10 percent of its stock, or state that no such corporation exists. Under the amendment, a party is also required to disclose any information that may be required by the Judicial Conference and supplement the disclosure when circumstances change. The proposed new rule is similar to proposed changes to the Appellate and Criminal Rules. But it adds a requirement that clerks deliver the disclosure statement to the judge acting in the proceeding to account for the greater likelihood at the civil trial stage that another judge may act on a part of the case.

The proposed amendments to Rules 54 (Judgments; Costs) and 58 (Entry of Judgment) are intended to address problems caused when a judgment or order is not entered on a separate document and as a result the time for appeal purposes never begins to run under the Appellate Rules. In conjunction with proposed changes to Appellate Rule 4(a)(7), the amended rules cure this problem by providing that when a separate document is required, judgment is entered on either of two events, whichever is earlier: when the judgment is entered on the civil docket and set forth on a separate document, or when 60 days have run from entry of the judgment on the civil docket. Under the proposed amendments to Rules 54 and 58, moreover, orders disposing of certain post-judgment motions would no longer have to be entered on a separate document.

Rule 81(a)(2) (Applicability in General) would be amended to conform the time limits governing a writ of habeas corpus with the rules governing § 2254 and § 2255 proceedings.

The Committee approved the advisory committee's recommendation to circulate the proposed rule amendments to the bench and bar for comment.

FEDERAL RULES OF CRIMINAL PROCEDURE

Rules Approved for Publication and Comment

The Advisory Committee on Criminal Rules completed a style revision of Criminal Rules 1-60 using uniform drafting guidelines. It also proposed substantive amendments to several rules that have been under consideration outside the style project. The advisory committee has submitted both sets with a recommendation that they be published separately for public comment.

Proposed Comprehensive Style Revision of Criminal Rules

The style revision of the Criminal Rules is part of a comprehensive effort to clarify and simplify the language of the procedural rules. It is similar in nature to the revision of the Federal Rules of Appellate Procedure, which took effect in December 1998. As in that earlier project, the advisory committee has identified ambiguities in the rules that require substantive revisions. These limited changes have been specifically identified in the Committee Notes to the rules.

In its style project, the advisory committee focused on several major elements. First, it attempted to eliminate the existing confusion regarding key terms and phrases that appear throughout the rules by simplifying and standardizing them. Second, it deleted provisions that no longer are necessary, usually because case law has evolved since the rule was first promulgated. Third, it completely reorganized several rules to make them easier to read and apply. Over the years, these rules have evolved inconsistently, resulting in convoluted provisions.

Proposed Substantive Amendments to Criminal Rules

The advisory committee has also been working on separate substantive amendments to Rules 5, 5.1, 10, 12.2, 26, 30, 32, 35, 41, and 43 and new Rule 12.4; Rules 2, 3, 6, 8, 9, and 10 Governing Section 2254 Proceedings; and Rules 2, 3, 8, 9, and 10 Governing Section 2255 Proceedings. The advisory committee recommended that these proposed amendments be published separately from the restylized version to highlight them and make clear the differences between the two versions.

The proposed amendments to Rules 5, 10, and 43 would authorize a court, upon the defendant's consent, to permit videoconferencing of an initial appearance proceeding and an arraignment. The public's comments on alternative versions that would not require the defendant's consent are also solicited. In accordance with Judicial Conference instructions, Rule 5.1 would be amended to authorize a United States magistrate judge to grant a continuance for a preliminary hearing. Under the proposed amendments to Rule 12.2, the procedures governing the ordering, consideration, and disclosure of expert testimony on mental condition are clarified. New Rule 12.4 closely tracks the financial disclosure provisions proposed in similar amendments to the Appellate and Civil Rules. It also would require the government to disclose the identity of any organizational victim, which could affect a judge's recusal decision if restitution is ordered. The proposed amendment of Rule 26 would permit a party to produce a witness's testimony at trial under certain limited circumstances. Rule 30 would be amended to clarify the timing of a request for jury instructions. Rule 32 would be amended to clarify the requirement to rule on unresolved, controverted matters in a presentence report. The proposed amendment of Rule 35 would clarify circumstances when a sentence can be reduced to account for the defendant's substantial assistance in providing information helpful to the government in prosecuting another

person when the information was known but not fully appreciated nor acted on within the prescribed time. Rule 41 would be amended to provide procedures for issuing a warrant for covert observations, which had been authorized by two courts of appeals. The advisory committee was persuaded that the growing number of these types of searches warranted regulation in the rules, although it took no position on whether such a “search” was permissible.

Proposed Amendments Governing Habeas Corpus Rules

The amendments to the rules governing § 2254 and § 2255 proceedings are proposed to conform the rules with the Antiterrorism and Effective Death Penalty Act and recent amendments of the Criminal Rules, including consistent references to “magistrate judge.” Among other changes, the proposed amendments account for a statutory revision limiting the ability of petitioners and movants to obtain habeas corpus relief on successive motions.

FEDERAL RULES OF EVIDENCE

The Advisory Committee on Evidence Rules presented no items for the Committee’s action. It continues to review the status of evidentiary privileges in light of congressional activity in this area.

RULES GOVERNING ATTORNEY CONDUCT

A conference of experts and practitioners in the attorney disciplinary field met in February to discuss the desirability of national rules governing attorney conduct in certain specific areas of particular concern to federal courts. The meeting was sponsored by the Subcommittee on Attorney Rules, which includes representatives from the advisory rules committees, Standing Committee, and the Committees on Court Administration and Case Management and Federal/State Jurisdiction. The subcommittee continues to monitor pending

Congressional legislation on the subject, some of which would require the rules committees to propose attorney conduct rules within a short period of time.

PRIVACY AND ACCESS TO ELECTRONIC CASE FILES

The Committee's liaison to the Court Administration and Case Management Subcommittee on Privacy and Access to Electronic Case Files reported on the subcommittee's work exploring privacy issues attendant to Internet access to case file information. The subcommittee is considering several alternative approaches to handle the privacy issues and is asking certain Judicial Conference committees for their initial reactions. Abel J. Mattos, chief of the Court Administration Policy Staff, advised the Committee of a recent legislative effort to establish a Privacy Commission that would study and within 18 months make recommendations governing electronic access by the public to a variety of information, including government records. The Committee discussed the various options, but it did not reach a final conclusion on any of them. It did offer some suggestions and raised concerns regarding the options, however, which will be communicated to the subcommittee.

POSTING LOCAL RULES ON THE INTERNET

On the recommendation of the five advisory rules committees, the Committee endorsed a proposal that would encourage courts to place their local rules on the Internet so that the rules could be accessed from one site. In particular, the Committee approved the following recommendations: (1) that courts be encouraged to post their local rules in a prominent location on their own web sites, or establish a web site if only to post their local rules on it; (2) that courts be encouraged to include on their sites a uniform statement indicating the posted rules are current; and (3) that the Administrative Office be directed to link local court web sites to its "Federal Rulemaking" web page. The Committee approved sending its recommendations to the

Committee on Court Administration and Case Management with a request that it endorse and submit them to the Judicial Conference for its consideration.

LONG-RANGE PLANNING AND BUDGETING

The Committee considered an agenda item on long-range planning and budgeting. On the issue of coordination with other Judicial Conference committees, it concluded that is important to continue the present coordinating procedures, maintaining a great degree of sensitivity to alerting other committees to overlapping issues.

REPORT TO THE CHIEF JUSTICE

In accordance with the standing request of the Chief Justice, a summary of issues concerning select proposed amendments generating controversy is set forth in Appendix C.

Respectfully submitted,

Anthony J. Scirica
Chair

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Appendix A — Proposed Amendments to the Federal Rules of Bankruptcy Procedure and Official Form 7
Appendix B — Proposed Amendments to the Federal Rules of Civil Procedure
Appendix C — Report to the Chief Justice on Proposed Rules Amendments Generating Controversy