

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

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TO: Hon. Alicemarie H. Stotler, Chair
Standing Committee on Rules of Practice
and Procedure

FROM: Hon. D. Lowell Jensen, Chair
Advisory Committee on Federal Rules of Criminal
Procedure

SUBJECT Report on Proposed and Pending Rules of Criminal
Procedure

DATE: December 4, 1995

I. INTRODUCTION.

At its meeting October 16-17, 1995, the Advisory Committee on the Rules of Criminal Procedure considered proposed or pending amendments to several Rules of Criminal Procedure. This report addresses those proposals. The minutes of that meeting are attached.

There are no items affecting the Rules of Criminal Procedure which require action by the Standing Committee at its January 1996 meeting.

II. RULE OF CRIMINAL PROCEDURE PUBLISHED FOR PUBLIC COMMENT: RULE 24(a).

A proposed amendment to Rule 24(a) is currently pending public comment. The amendment would provide for attorney-conducted voir dire of prospective jurors and parallels a similar amendment to Rule 47, Federal Rules of Civil Procedure. Two dates

have been set for hearings on the proposal: December 15, 1995 in Oakland, California and February 9, 1996 in New Orleans, La. It appears that a number of witnesses will appear at the scheduled hearings.

III. RULES PENDING BEFORE THE ADVISORY COMMITTEE

The Committee has considered proposed amendments to Rule 11 (participation by court in plea discussions), Rule 26.2 (definition of statement), Rule 31 (individual polling of jurors), Rule 33 (timing for motion for new trial), and Rule 35 (reduction of sentence).

Although the Criminal Rules Committee has no proposed amendments to present to the Standing Committee at this time, the Committee decided to consider specific language to amend Rules 11, 31, 33, and 35(c) at its April 1996 meeting.

IV. RESTYLING PROJECT

At its October 1995 meeting, the Committee considered its upcoming role in restyling the Rules of Criminal Procedure. Two subcommittees were appointed to review and monitor the drafts prepared by Mr. Garner, and to report on the drafts at the Committee's April 1996 meeting.

V. LOCAL RULES PROJECT

A subcommittee was also appointed to study the local rules identified by Professor Mary Squiers of the Local Rules project as worthy of consideration as amendments to the national rules. That subcommittee is to report on its progress at the Committee's April 1996 meeting.

Attachment: Minutes of Committee Meeting