

CIVIL RULES SUGGESTIONS DOCKET

ADVISORY COMMITTEE ON CIVIL RULES

The docket sets forth suggested changes to the Federal Rules of Civil Procedure considered by the Advisory Committee since 1992. The suggestions are set forth in order by (1) civil rule number, (2) form number, and where there is no rule or form number (or several rules or forms are affected), (3) alphabetically by subject matter.

| Suggestion | Docket Number, Source, and Date | Status |
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| CIVIL RULES | | |
| Rule 4(c)(1) Accelerating 120-day service provision | Joseph W. Skupniewitz | 4/94 - Committee deferred as premature DEFERRED INDEFINITELY |
| Rule 4(d) To clarify waiver-of-service provision | 97-CV-R John J. McCarthy 11/21/97 | 12/97 - Referred to reporter, chair, and Agenda Subcommittee 3/99 - Agenda Subcommittee to accumulate for periodic revision PENDING FURTHER ACTION |
| Rule 4(d)(2) Waive service of process for actions against the United States | Charles K. Babb 4/22/94 | 10/94 - Committee declined to take action 4/95 - Committee reconsidered but declined to take action COMPLETED |
| Rules 4(e) & 4(f) Foreign defendant may be served pursuant to the laws of the state in which the district court sits | Owen F. Silvions 6/10/94 | 10/94 - Committee declined to take action 4/95 - Committee reconsidered but declined to take action COMPLETED |
| Rule 4(i) Service on government in <i>Bivens</i> suits | 96-CV-B Department of Justice 10/96 | 10/96 - Referred to chair, reporter, and Agenda Subcommittee 5/97 - Committee considered 3/98 - Committee approved for publication 6/98 - Standing Committee approved for publication 8/98 - Published for public comment 4/99 - Committee approved amendments with revisions 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED |

| Suggestion | Docket Number, Source, and Date | Status |
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| Rule 4(m) Extends time to serve pleading after initial 120 days expires | Judge Edward Becker | 4/95 - Committee considered DEFERRED INDEFINITELY |
| Rule 4 Permit electronic service of process on persons/entities located in the US | 03-CV-F Jeremy A. Colby 8/26/03 | 9/03 - Sent to chair, reporter, and committee PENDING FURTHER ACTION |
| Rule 4 Inconsistent service of process provision in admiralty statute | Mark Kasanin, Esq. | 10/93 - Committee considered 4/94 - Committee considered 10/94 - Committee recommended statutory change 6/96 - Coast Guard Authorization Act of 1996 repealed nonconforming statutory provision COMPLETED |
| Rule 4 To provide for sanctions against the willful evasion of service | 97-CV-K Judge Joan Humphrey Lefkow 8/12/97 | 10/97 - Referred to chair, reporter, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended accumulation for periodic revision PENDING FURTHER ACTION |
| Rule 5 Electronic filing | | 10/93 - Committee considered and approved for publication 9/94 - Published for public comment 10/94 - Committee considered 4/95 - Committee approved amendments with revisions 6/95 - Standing Committee approved 9/95 - Judicial Conference approved 4/96 - Supreme Court approved 12/96 - Effective COMPLETED |

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| <p>Rule 5 Service by facsimile</p> | <p>97-CV-N Michael Kunz, Clerk, Eastern District Pennsylvania, and John Frank 7/29/96 and 9/10/97</p> <hr/> <p>97-CV-Q William S. Brownell, District Clerks Advisory Group 10/20/97</p> | <p>4/95 - Committee declined to take action 10/96 - Committee reconsidered and referred to Technology Subcommittee 5/97 - Committee considered 9/97 - Information sent to chair, reporter, and Agenda Subcommittee 11/98 - Information referred to Technology Subcommittee 3/99 - Agenda Subcommittee recommended referral to other rules committee 4/99 - Committee approved for publication 6/99 - Standing Committee approved for publication 8/99 - Published for public comment 4/00 - Committee approved 6/00 - Standing Committee approved 9/00 - Judicial Conference approved 4/01 - Supreme Court approved 12/01 - Effective COMPLETED</p> |
| <p>Rule 5 Clarifies that a document is deemed filed upon delivery to an established courier</p> | <p>00-CV-C Lawrence A. Salibra, Senior Counsel 6/5/00</p> | <p>6/00 - Referred to chair, reporter, and agenda subcommittee PENDING FURTHER ACTION</p> |
| <p>Rule 5 A document is deemed timely filed if it is postmarked before deadline</p> | <p>99-CV-A J. Michael Schaefer, Esq. 12/28/98</p> | <p>3/99 - Referred to chair, reporter, and agenda subcommittee 3/99 - Agenda Subcommittee recommended removing from agenda 10/99 - Committee declined to take action COMPLETED</p> |
| <p>Rule 5(b)(2)(D) Treat electronic mail or facsimile the same as hand delivery</p> | <p>04-CV-A David R. Fine, Esq. 1/2/04</p> | <p>1/04 - Referred to chair and reporter PENDING FURTHER ACTION</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|--|---|--|
| <p>Rule 5(d) To allow district courts to adopt local rules providing that discovery documents not be filed generally.</p> | <p>97-CV-V Gregory B. Walters, Circuit Executive (9th Circuit) 12/4/97</p> | <p>1/98 - Referred to chair, reporter, and agenda subcommittee 3/98 - Committee approved for publication 6/98 - Standing Committee approved for publication with revision 8/98 - Published for public comment 4/99 - Committee approved 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p> |
| <p>Rule 5(d) Does non-filing of discovery material affect privilege</p> | <p>Standing Committee 6/99</p> | <p>10/99 - Committee considered PENDING FURTHER ACTION</p> |
| <p>Rule 5(e) Mandatory electronic filing should be encouraged to the fullest extent possible</p> | <p>04-CV-G Judge John W. Lungstrum 8/2/04</p> | <p>8/04 - Referred to reporter and chair PENDING FURTHER ACTION</p> |
| <p>New Rule 5.1 Requires litigant to notify U.S. Attorney when the constitutionality of a federal statute is challenged and when United States is not a party to the action</p> | <p>00-CV-G Judge Barbara B. Crabb 10/5/00</p> | <p>10/00 - Referred to reporter and chair 1/02 - Committee considered 10/02 - Committee considered 5/03 - Committee considered and approved for publication 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 4/04 - Committee considered and deferred action PENDING FURTHER ACTION</p> |
| <p>Rule 6 Clarifies when three calendar days are added to deadline when service is by mail</p> | <p>00-CV-H Roy H. Wepner, Esq. (via Appellate Rules Committee) 11/27/00</p> | <p>12/00 - Referred to reporter and chair 5/02 - Committee considered 10/02 - Committee considered 5/03 - Committee considered and approved for publication 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 4/04 - Committee considered and approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved PENDING FURTHER ACTION</p> |

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|---|--|---|
| Rule 6 Time Issues | 03-CV-C Irwin H. Warren, Esquire 6/26/03 | 6/03 - Referred to reporter and chair 4/04 - Committee considered and approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved PENDING FURTHER ACTION |
| Rule 6(b) Delete reference to Civil Rule 74(a) because Civil Rule 74 was abrogated by statute | Professor Edward Cooper 10/27/97 <hr/> 99-CV-C Rukesh A. Korde, Esq. 4/22/99 | 10/97 - Referred to Committee 3/98 - Committee approved amendments and recommended no publication 6/98 - Standing Committee approved 9/98 - Judicial Conference approved 4/99 - Supreme Court approved 12/99 - Effective COMPLETED |
| Rule 6(e) Time to act after service | Standing Committee 6/94 | 10/94 - Committee declined to take action COMPLETED |
| Rule 6(e) Amend the rule to treat service by electronic means the same as service by mail | | 4/99 - Committee considered and approved for publication 6/99 - Standing Committee approved for publication 8/99 - Published for public comment 4/00 - Committee approved 6/00 - Standing Committee approved 9/00 - Judicial Conference approved 4/01 - Supreme Court approved 12/01 - Effective COMPLETED |
| Rule 6(e) Clarify the method for extending time to respond after service | Appellate Rules Committee 4/02 | 4/02 - Referred to Committee 10/02 - Committee considered 5/03 - Committee considered and approved for publication 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 4/04 - Committee considered and approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved PENDING FURTHER ACTION |
| Rule 6(e) Treat electronic mail or facsimile the same as hand delivery | 04-CV-A David R. Fine, Esq. 1/2/04 | 1/04 - Referred to chair and reporter PENDING FURTHER ACTION |

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|--|--|---|
| Rule 7.1 Financial Disclosure | Committee on Codes of Conduct 9/23/98 | 11/98 - Committee considered 3/99 - Agenda Subcommittee recommended deferring until more information is available 4/99 - Committee considered and requested study by Federal Judicial Center 10/99 - Committee considered 4/00 - Committee approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 10/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED |
| Rule 8(a)(2) Require “short and plain statement of the claim” that allege facts sufficient to establish a <i>prima facie</i> case in employment discrimination | 02-CV-E Nancy J. Smith, Esq. 6/17/02 | 6/02 - Referred to reporter and chair PENDING FURTHER ACTION |
| Rule 8(c) In restyling the civil rules: delete “discharge in bankruptcy”; and insert “claim preclusion” and “issue preclusion” | 04-CV-E Judge Christopher M. Klein 3/30/04 | 4/04 - Referred to reporter and chair PENDING FURTHER ACTION |
| Rules 8 and 12 Amendment of the general pleading requirements | Elliott B. Spector, Esq. 7/22/93 | 10/93 - Committee considered 10/94 - Committee considered 4/95 - Committee declined to take action COMPLETED |
| Rule 9(b) General Particularized pleading | Elliott B. Spector, Esq. | 5/93 - Committee considered 10/93 - Committee considered 10/94 - Committee considered 4/95 - Committee declined to take action COMPLETED |

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|---|---|---|
| <p>Rule 9(h) Ambiguity regarding terms affecting admiralty and maritime claims</p> | <p>Mark Kasanin, Esq. 4/94</p> | <p>10/94 - Committee considered 4/95 - Committee considered 7/95 - Committee approved for publication 9/95 - Published for public comment 4/96 - Committee approved 6/96 - Standing Committee approved 9/96 - Judicial Conference approved 4/97 - Supreme Court approved 12/97 - Effective COMPLETED</p> |
| <p>Rule 11 Mandatory sanctions for frivolous filing by a prisoner</p> | <p>H.R. 1492 Representative Gallegly 4/97</p> | <p>5/97 - Committee considered 3/99 - Agenda Subcommittee recommended removing from agenda 10/99 - Committee declined to take action COMPLETED</p> |
| <p>Rule 11 Sanctions for improper advertising</p> | <p>97-CV-G Carl Shipley 4/97</p> | <p>5/97 - Referred to chair, reporter, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended removing from agenda 10/99 - Committee declined to take action COMPLETED</p> |
| <p>Rule 11 Should not be used as a discovery device or to test the legal sufficiency or efficiency of allegations in pleadings</p> | <p>98-CV-B Nicholas Kadar, M.D. 3/98</p> | <p>4/98 - Referred to chair, reporter, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended preliminary review by reporter 8/99 - Reporter recommended removal from the agenda 10/99 - Committee declined to take action COMPLETED</p> |
| <p>Rule 12 Dispositive motions to be filed and ruled upon prior to commencement of trial</p> | <p>Steven D. Jacobs, Esq. 8/23/94</p> | <p>10/94 - Committee considered 5/97 - Reporter recommended no action 11/98 - Committee declined to take action COMPLETED</p> |
| <p>Rule 12 To conform to <i>Prison Litigation Act of 1996</i> that allows a defendant sued by a prisoner to waive right to reply</p> | <p>97-CV-R John J. McCarthy 11/21/97</p> | <p>12/97 - Referred to chair, reporter, and Agenda Subcommittee 3/99 - Agenda Subcommittee considered 4/99 - Committee considered and deferred action DEFERRED INDEFINITELY</p> |

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|--|---|--|
| <p>Rule 12(a)(3) Conforming amendment to Civil Rule 4(i)</p> | | <p>3/98 - Committee approved for publication 6/98 - Standing Committee approved for publication 8/98 - Published for public comment 4/99 - Committee approved with revisions 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p> |
| <p>Rule 12(b) Converting motions to dismiss to motions for summary judgment</p> | <p>97-CV-H Daniel Joseph, Esq. 5/97</p> | <p>5/97 - Referred to chair, reporter, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended no action 10/99 - Committee declined to take action COMPLETED</p> |
| <p>Rule 12(f) Provide guidance for the clerk when the court strikes a pleading</p> | <p>02-CV-J Judge D. Brock Hornby 10/02</p> | <p>10/02 - Referred to chair and reporter PENDING FURTHER ACTION</p> |
| <p>Rules 14(a) & 14(c) Conforming amendments to admiralty changes</p> | | <p>3/98 - Committee approved for publication 6/98 - Standing Committee approved for publication 8/98 - Published for public comment 4/99 - Committee approved 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p> |
| <p>Rule 15(a) Amendment may not add new parties or raise events occurring after responsive pleading</p> | <p>Judge John Martin 10/20/94 & Judge Judith Guthrie 10/27/94</p> | <p>4/95 - Committee considered 11/95 - Committee considered and deferred DEFERRED INDEFINITELY</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|---|---|
| <p>Rule 15(c)(3)(B) Clarifying extent of knowledge required in identifying a party</p> | <p>98-CV-E Charles E. Frayer, Law student 9/27/98</p> | <p>9/98 - Referred to chair, reporter, and Agenda Subcommittee 3/99 - Agenda Subcommittee rec. accumulate for periodic revision (1) 4/99 - Committee considered and retained for future study 5/02 - Committee considered along with J. Becker suggestion in 266 F.3d 186 (3rd Cir. 2001). 10/02 - Committee referred to subcommittee for further consideration 10/03 - Committee considered PENDING FURTHER ACTION</p> |
| <p>Rule 15(c)(3)(B) Amendment to allow relation back</p> | <p>Judge Edward Becker, 266 F.3d 186 (3rd Cir. 2001)</p> | <p>10/01 - Referred to chair and reporter 1/02 - Committee considered 5/02 - Committee considered 10/02 - Committee referred to subcommittee for further consideration 10/03 - Committee considered PENDING FURTHER ACTION</p> |
| <p>Rule 19 Clarify language regarding dismissal of actions</p> | <p>02-CV-F Prof. Bradley Scott Shannon 5/30/02</p> | <p>7/02 - Referred to chair and reporter 10/02 - Referred to Style Consultant 4/04 - Committee considered and declined to adopt COMPLETED</p> |
| <p>Rule 23 Revise to protect the status of the small defendant</p> | <p>03-CV-D William S. Karn 7/31/03</p> | <p>8/03 - Referred to chair and reporter PENDING FURTHER ACTION</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|--|--|
| <p>Rule 23 Amend class action rule to accommodate demands of mass tort litigation and other problems</p> | <p>Jud Conf on Ad Hoc Communication for Asbestos Litigation 3/91; William Leighton ltr 7/29/94; H.R. 660 introduced by Canady on CV 23 (f)</p> | <p>5/93 - Considered by Committee 6/93 - Submitted for approval for publication; withdrawn 10/93, 4/94, 10/94, 2/95, 4/95, 11/95; studied at meetings. 4/96 - Forwarded to Standing Committee for submission to Judicial Conference 6/96 - Approved for publication by Standing Committee 8/96 - Published for comment 10/96 - Discussed by Committee 5/97 - Approved and forwarded changes to (c)(1), and (f); rejected (b)(3)(A) and (B); and deferred other proposals until next meeting 4/97 - Stotler letter to Congressman Canady 6/97 - Changes to 23(f) were approved by Standing Committee; changes to 23(c)(1) were recommitted to Advisory Committee 10/97 - Considered by Committee 3/98 - Considered by Committee, deferred pending mass torts working group deliberations 3/99 - Agenda Subcommittee recommended referral to other Committee 4/00 - Committee considered 10/00 - Committee considered 4/01 - Request for publication 6/01 - Standing Committee approved for publication 8/01 - Published for public comment 10/01 - Committee considered 1/02 - Committee considered 5/02 - Committee approved 6/02 - Standing Committee approved 9/02 - Judicial Conference approved 3/03 - Supreme Court approved 12/03 - Effective COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
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| <p>Rule 23 Standards and guidelines for litigating and settling consumer class actions</p> | <p>97-CV-T Patricia Sturdevant, for National Association for Consumer Advocates 12/10/97</p> | <p>12/97 - Referred to reporter, chair, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended referral to other Committee 4/00 - Committee considered 10/00 - Committee considered 4/01 - Request for publication 6/01 - Standing Committee approved for publication 8/01 - Published for public comment 10/01 - Committee considered 1/02 - Committee considered 5/02 - Committee approved 6/02 - Standing Committee approved 9/02 - Judicial Conference approved 3/03 - Supreme Court approved 12/03 - Effective COMPLETED</p> |
| <p>Rule 23(e) Amend to include specific factors court should consider when approving settlement for monetary damages under 23(b)(3)</p> | <p>97-CV-S Beverly C. Moore, Jr., for Class Action Reports, Inc. 11/25/97</p> | <p>12/97 - Referred to reporter, chair, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended referral to other Committee 4/00 - Committee considered 10/00 - Committee considered 4/01 - Request for publication 6/01 - Standing Committee approved for publication 8/01 - Published for public comment 10/01 - Committee considered 1/02 - Committee considered 5/02 - Committee approved 6/02 - Standing Committee approved 9/02 - Judicial Conference approved 3/03 - Supreme Court approved 12/03 - Effective COMPLETED</p> |

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|---|--|---|
| <p>Rule 23(e) Require all “side-settlements,” including attorney’s fee components, to be disclosed and approved by the district court</p> | <p>99-CV-H Brian Wolfman, for Public Citizen Litigation Group 11/23/99</p> | <p>12/99 - Referred to reporter, chair, and Agenda Subcommittee 4/00 - Referred to Class Action Subcommittee 10/00 - Committee considered 4/01 - Request for publication 6/01 - Standing Committee approved for publication 8/01 - Published for public comment 10/01 - Committee considered 1/02 - Committee considered 5/02 - Committee approved 6/02 - Standing Committee approved 9/02 - Judicial Conference approved 3/03 - Supreme Court approved 12/03 - Effective COMPLETED</p> |
| <p>Rule 23(e) Preserve right to appeal for <i>unnamed</i> class members who do not file motions to intervene; and class members not named plaintiffs have right to appeal judicial approval of proposed dismissal or compromise without first filing motion to intervene</p> | <p>00-CV-B Bill Lockyer, Attorney General, State of California DOJ 3/29/00 and 6/21/00</p> | <p>4/00 - Referred to reporter, chair, Agenda Subcommittee and Class Action Subcommittee 6/00 - Referred to reporter, chair, Agenda Subcommittee and Class Action Subcommittee 10/00 - Committee Considered 4/01 - Request for publication 6/01 - Standing Committee approved for publication 8/01 - Published for public comment 10/01 - Committee considered 1/02 - Committee considered 5/02 - Committee approved 6/02 - Standing Committee approved 6/02 - <i>Devlin v. Scardelletti</i>, 122 S.Ct. 2005 (6/10/02), resolved issue COMPLETED</p> |
| <p>Rule 23(f) interlocutory appeal</p> | <p>Part of class action project</p> | <p>4/98 - Supreme Court approved 12/98 - Effective COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|--|---|--|
| <p>Rule 23 Class action attorney fee</p> | | <p>10/00 - Committee considered 4/01 - Request for publication 6/01 - Standing Committee approved for publication 8/01 - Published for public comment 10/01 - Committee considered 1/02 - Committee considered 5/02 - Committee approved 6/02 - Standing Committee approved 9/02 - Judicial Conference approved 3/03 - Supreme Court approved 12/03 - Effective COMPLETED</p> |
| <p>Rule 26 Interviewing former employees of a party</p> | John Goetz | <p>4/94 - Declined to act DEFERRED INDEFINITELY</p> |
| <p>Rule 26 Initial disclosure and scope of discovery</p> | <p>Thomas F. Harkins, Jr., Esq. 11/30/94 and American College of Trial Lawyers; 97-CV-C Allan Parmelee 3/12/97 97-CV-D Joanne Faulkner, Esq. 3/20/97</p> | <p>4/95 - Delayed for further consideration 11/95 - Considered by Committee 4/96 - Proposal submitted by American College of Trial Lawyers 10/96 - Considered by Committee; Subcommittee appointed 1/97 - Subcommittee held mini-conference in San Francisco 4/97 - Doc. #2768 and 2769 referred to Discovery Subcommittee 9/97 - Discovery Reform Symposium held at Boston College Law School 10/97 - Alternatives considered by Committee 3/98 - Committee approved draft 6/98 - Standing Committee approved 8/98 - Published for comment 4/99 - Committee approved amendments with revisions 6/99 - Standing Committee approved 9/99 - Judicial Conference approved & transmits to Supreme Court 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p> |
| <p>Rule 26 Does inadvertent disclosure during discovery waive privilege</p> | Discovery Subcommittee | <p>10/99 - Discussed PENDING FURTHER ACTION</p> |

| Suggestion | Docket Number, Source, and Date | Status |
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| <p>Rule 26 Presumptive time limits on backward reach of discovery</p> | <p>Al Cortese</p> | <p>10/99 - Removed from agenda COMPLETED</p> |
| <p>Rule 26 Electronic discovery</p> | | <p>10/99 - Referred to Discovery Subcommittee 3/00 - Discovery Subcommittee considered 4/00 - Committee considered 10/00 - Committee considered 4/01 - Committee considered 5/02 - Committee considered 10/02 - Committee and Discovery Subcommittee considered 5/03 - Committee considered Discovery Subcommittee's report 2/04 - Committee presented E-Discovery Conference in New York City 4/04 - Committee approved subcommittee's recommendations for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment PENDING FURTHER ACTION</p> |
| <p>Rule 26 Interplay between work-product doctrine under Rule 26(b)(3) and the disclosures required of experts under Rules 26(a)(2) and 26 (b)(4)</p> | <p>00-CV-E Gregory K. Arenson, Chair, NY State Bar Association Committee on Federal Procedure 8/7/00</p> | <p>8/00 - Referred to reporter, chair, and Agenda Subcommittee PENDING FURTHER ACTION</p> |
| <p>Rule 26(a) To clarify and expand the scope of disclosure regarding expert witnesses</p> | <p>00-CV-I Prof. Stephen D. Easton 11/29/00</p> | <p>12/00 - Referred to reporter and chair PENDING FURTHER ACTION</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|--|---|---|
| <p>Rule 26(c) Factors to be considered regarding a motion to modify or dissolve a protective order</p> | <p>Report of the Federal Courts Study Committee, Professors Marcus and Miller, and Senator Herb Kohl 8/11/94; Judge John Feikens (96-CV-F); S. 225 reintroduced by Sen Kohl</p> | <p>5/93 - Committee considered and approved for publication 10/93 - Published for comment 4/94 - Committee considered 10/94 - Committee considered 1/95 - Submitted to Judicial Conference 3/95 - Remanded for further consideration by Judicial Conference 4/95 - Committee considered 9/95 - Republished for public comment 4/96 - Tabled, pending consideration of discovery amendments proposed by the American College of Trial Lawyers 1/97 - S. 225 reintroduced by Senator Kohl 4/97 - Judge Stotler sent letter to Senator Hatch 10/97 - Subcommittee considered and left for consideration by full committee 3/98 - Committee declined to take action COMPLETED</p> |
| <p>Rule 26 Depositions to be held in county where witness resides; better distinction between retained and “treating” experts</p> | <p>96-CV-G Don Boswell 12/6/96</p> | <p>12/96 - Referred to reporter, chair, and Agenda Subcommittee 5/97 - Reporter recommended that it be considered part of discovery project 3/99 - Agenda Subcommittee recommended referral to other Committee 10/00 - Subcommittee declined to take action COMPLETED</p> |
| <p>Rule 30 Allow use by public of audio tapes in the courtroom</p> | <p>96-CV-H Glendora 12/9/96</p> | <p>12/96 - Referred to reporter and chair 11/98 - Committee declined to take action COMPLETED</p> |
| <p>Rule 30(b)/45 Give notice to deponent that deposition will be videotaped</p> | <p>99-CV-J Judge Janice M. Stewart 12/8/99</p> | <p>12/99 - Referred to reporter, chair, Agenda Subcommittee, and Discovery Subcommittee 4/00 - Referred to Discovery Subcommittee 8/03 - Committee publishes proposed amendments to Civil Rule 45 re notifying witnesses of manner for recording deposition 4/04 - Committee approved 6/04 - Standing Committee approved PENDING FURTHER ACTION</p> |

| Suggestion | Docket Number, Source, and Date | Status |
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| <p>Rule 30(b)(1) That the deponent seek judicial relief from annoying or oppressive questioning during a deposition</p> | <p>97-CV-J Judge Dennis H. Inman 8/6/97</p> | <p>10/97 - Referred to reporter, chair, and Agenda Subcommittee 11/98 - Committee declined to take action COMPLETED</p> |
| <p>Rule 30(b)(6) Myriad proposed amendments</p> | <p>04-CV-B New York State Bar Association Commercial and Federal Litigation Section (Gregory K. Arenson, Esq., Chair) 2/24/04</p> | <p>3/04 - Referred to reporter and chair PENDING FURTHER ACTION</p> |
| <p>Rule 30(d)(2) Limit daily deposition session to 7 hours</p> | | <p>3/98 - Committee approved draft 6/98 - Standing Committee approved 8/98 - Published for comment 4/99 - Committee approved amendments with revisions 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p> |
| <p>Rule 30(e) Review of transcript by deponent</p> | <p>99-CV-D Dan Wilen 5/14/99</p> | <p>8/99 - Referred to Agenda Subcommittee 8/99 - Agenda Subcommittee received and referred to other Committee 10/00 - Subcommittee declined to take action COMPLETED</p> |
| <p>Rule 32 Use of expert witness testimony at subsequent trials without cross examination in mass torts</p> | <p>Honorable Jack Weinstein 7/31/96</p> | <p>7/31/96 Referred to chair and reporter 10/96 - Committee considered. Federal Judicial Center to conduct study 5/97 - Reporter recommended that it be considered part of discovery project 3/99 - Agenda Subcommittee recommended referral to other committee PENDING FURTHER ACTION</p> |
| <p>Rules 33 & 34 Require submission of a floppy disc version of document</p> | <p>99-CV-E Jeffrey K. Yencho 7/22/99</p> | <p>7/99 - Referred to Agenda Subcommittee 8/99 - Agenda Subcommittee recommended referral to other Subcommittee PENDING FURTHER ACTION</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|--|--|---|
| <p>Rule 34(b) Requesting party liable for paying reasonable costs of discovery</p> | | <p>3/98 - Committee approved draft 6/98 - Standing Committee approved 8/98 - Published for comment 4/99 - Committee approved amendments with revisions (moved to Rule 26) 6/99 - Standing Committee approved 9/99 - Judicial Conference declined to take action COMPLETED</p> |
| <p>Rule 36(a) Do not permit false denials, in view of recent Supreme Court decisions</p> | <p>98-CV-A Joanne S. Faulkner, Esq. 3/98</p> | <p>4/98 - Referred to reporter, chair, and Agenda Subcommittee 11/98 - Committee declined to take action COMPLETED</p> |
| <p>Rule 37(b)(3) Sanctions for Rule 26(f) failure</p> | <p>Prof. Roisman</p> | <p>4/94 - Committee declined to take action COMPLETED</p> |
| <p>Rule 37(c)(1) Sanctions for failure to supplement discovery</p> | | <p>3/98 - Committee approved draft 6/98 - Standing Committee approved 8/98 - Published for comment 4/99 - Committee approved amendments 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p> |
| <p>Rules 39(c) and 16(e) Jury may be treated as advisory if the court states such before the beginning of the trial</p> | <p>Daniel O'Callaghan, Esq.</p> | <p>10/94 - Committee deferred for further study 4/95 - Committee declined to take action COMPLETED</p> |
| <p>Rule 40 Precedence given elderly in trial setting</p> | <p>00-CV-A Michael Schaefer 1/19/00</p> | <p>2/00 - Referred to chair, reporter, and Agenda Subcommittee PENDING FURTHER ACTION</p> |
| <p>Rule 41(a) Makes it explicit that actions <i>and</i> claims may be dismissed</p> | <p>02-CV-F Bradley Scott Shannon 5/30/02</p> | <p>7/02 - Referred to chair and reporter 10/02 - Referred to Style Consultant 4/04 - Committee considered and declined to adopt COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|--|---|--|
| <p>Rule 43 Strike requirement that testimony must be taken orally</p> | <p>Comments at 4/94 meeting</p> | <p>10/93 - Published for public comment 10/94 - Committee approved with revisions 1/95 - Standing Committee approved but deferred transmission to Judicial Conference 9/95 - Judicial Conference approved 4/96 - Supreme Court approved 12/96 - Effective COMPLETED</p> |
| <p>Rule 43 Procedures for a “summary bench trial”</p> | <p>00-CV-F Judge Morton Denlow 8/9/00</p> | <p>8/00 - Referred to reporter and chair 10/00 - Committee considered but declined to take action COMPLETED</p> |
| <p>Rule 43(f)—Interpreters Appointment and compensation of interpreters</p> | <p>Karl L. Mulvaney 5/10/94</p> | <p>4/95 - Committee deferred for further study and consideration 11/95 - Committee deferred action pending CACM review of the Americans with Disabilities Act 10/96 - Federal Courts Improvement Act of 1996 provides authority to pay interpreters COMPLETED</p> |
| <p>Rule 44 To delete, as it might overlap with Rules of EV dealing with admissibility of public records</p> | <p>97-CV-U Evidence Rules Committee Meeting 10/20-21/97</p> | <p>1/97 - Referred to chair, reporter, and Agenda Subcommittee 3/98 - Committee declined to take action COMPLETED</p> |
| <p>Rule 45 Nationwide subpoena</p> | | <p>5/93 - Committee declined to take action COMPLETED</p> |
| <p>Rule 45 Notice in lieu of attendance subpoenas</p> | <p>99-CV-A J. Michael Schaefer, Esq. 12/28/98</p> | <p>3/99 - Referred to chair, reporter, and Agenda Subcommittee 8/99 - Agenda Subcommittee recommended removal from agenda 10/99 - Consent calendar removed from agenda COMPLETED</p> |
| <p>Rule 45 Clarifying status of subpoena after expiration date</p> | <p>99-CV-B K. Dino Kostopoulos, Esq. 1/27/99</p> | <p>3/99 - Referred to chair, reporter, and Agenda Subcommittee 8/99 - Agenda Subcommittee recommended referral to other Committee 10/00 - Subcommittee declined to take action COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|---|---|
| <p>Rule 45 Discovering party must specify a date for production far enough in advance to allow the opposing party to file objections to production</p> | <p>98-CV-G Prof. Charles Adams 10/1/98</p> | <p>10/98 - Referred to chair, reporter, Agenda Subcommittee and Discovery Subcommittee 3/99 - Agenda Subcommittee recommended referral to other Committee 10/00 - Subcommittee declined to take action COMPLETED</p> |
| <p>Rule 45(d) Re-service of subpoena not necessary if continuance is granted and witness is provided adequate notice</p> | <p>98-CV-H William T. Terrell, Esq. 10/9/98</p> | <p>12/98 - Referred to chair, reporter, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended referral to other Committee 10/00 - Subcommittee declined to take action COMPLETED</p> |
| <p>Rule 47(a) Mandatory attorney participation in jury voir dire examination</p> | <p>Francis Fox, Esq.</p> | <p>10/94 - Committee considered 4/95 - Committee approved for publication 7/95 - Standing Committee approved for publication 9/95 - Published for comment 4/96 - Committee considered and recommended that Federal Judicial Center provide judicial training COMPLETED</p> |
| <p>Rule 47(b) Eliminate peremptory challenges</p> | <p>97-CV-F Judge William Acker 5/97</p> | <p>6/97 - Referred to reporter, chair, and Agenda Subcommittee 11/98 - Committee declined to take action COMPLETED</p> |
| <p>Rule 48 Implementation of a twelve-person jury</p> | <p>Judge Patrick Higginbotham</p> | <p>10/94 - Committee considered and approved for publication 7/95 - Standing Committee approved for publication 9/95 - Published for comment 4/96 - Committee approved 6/96 - Standing Committee approved 9/96 - Judicial Conference declined to take action 10/96 - Committee considered Judicial Conference action COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|---|---|
| <p>Rule 50(b) Eliminate the requirement that a motion for judgment be made “at the close of all the evidence” as a prerequisite for making a post-verdict motion, if a motion for judgment had been made earlier</p> | <p>03-CV-A New York State Bar Association Committee on Federal Procedure of the Commercial and Federal Litigation Section 2/25/03</p> | <p>3/03 - Referred to chair and reporter 5/03 - Committee considered 10/03 - Committee considered 4/04 - Committee approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment PENDING FURTHER ACTION</p> |
| <p>Rule 50 Uniform date for filing post trial motion</p> | <p>BK Rules Committee</p> | <p>5/93 - Committee considered and approved for publication 6/93 - Standing Committee approved for publication 8/93 - Published for public comment 4/94 - Committee approved 6/94 - Standing Committee approved 9/94 - Judicial Conference approved 4/95 - Supreme Court approved 12/95 - Effective COMPLETED</p> |
| <p>Rule 50(b) When a motion is timely after a mistrial has been declared</p> | <p>97-CV-M Judge Alicemarie Stotler 8/26/97</p> | <p>8/97 - Referred to reporter and chair 10/97 - Referred to Agenda Subcommittee 3/99 - Agenda Subcommittee to accumulate for periodic revision PENDING FURTHER ACTION</p> |
| <p>Rule 51 Jury instructions filed before trial</p> | <p>96-CV-E Judge Stotler 97-CV-V Gregory B. Walters, Circuit Executive, Office of the Circuit Executive, U.S. Courts for Ninth Circuit 12/4/97</p> | <p>11/8/96 Referred to chair 5/97 - Reporter recommended consideration of comprehensive revision 1/98 - Referred to reporter, chair, and Agenda Subcommittee 3/98 - Committee considered 11/98 - Committee considered 3/99 - Agenda Subcommittee recommended full Committee consideration 4/99 - Committee considered 10/99 - Committee considered 4/00 - Committee considered 10/00 - Committee considered 4/01 - Committee considered 1/02 - Committee held public hearing 5/02 - Committee approved amendments 6/02 - Standing Committee approved 9/02 - Judicial Conference approved 3/03 - Supreme Court approved 12/03 - Effective COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|--|---|--|
| <p>Rule 52 Uniform date for filing for filing post trial motion</p> | <p>Banking Rules Committee</p> | <p>5/93 - Committee approved for publication 6/93 - Standing Committee approved for publication 4/94 - Committee approved 6/94 - Standing Committee approved 9/94 - Judicial Conference approved 4/95 - Supreme Court approved 12/95 - Effective COMPLETED</p> |
| <p>Rule 53 Provisions regarding pretrial and post-trial masters</p> | <p>Judge Wayne Brazil</p> | <p>5/93 - Committee considered 10/93 - Committee considered 4/94 - Committee considered draft amendments to Civil Rule 16.1 regarding “pretrial masters” 10/94 - Committee considered draft amendments 11/98 - Subcommittee appointed 3/99 - Agenda Subcommittee recommended referral to other Committee 10/99 - Committee considered and requested Federal Judicial Center to conduct survey 4/00 - Committee considered FJC preliminary report 1/02 - Committee held public hearing 5/02 - Committee approved amendments 6/02 - Standing Committee approved 9/02 - Judicial Conference approved 3/03 - Supreme Court approved 12/03 - Effective COMPLETED</p> |
| <p>Rule 54(b) Define “interlocutory order”</p> | <p>03-CV-E Craig C. Reilly, Esq. 8/6/03</p> | <p>8/03 - Referred to chair and reporter PENDING FURTHER ACTION</p> |
| <p>Rule 54(d)(1) Proposed amendments to 28 U.S.C. § 1920 and Rule 54 re taxation of costs</p> | <p>02-CV-B Judge Jane J. Boyle 2/02</p> | <p>2/02 - Referred to reporter and chair 5/02 - Committee declined to take action COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|--|---|
| <p>Rule 54(d)(2) Attorney fees and interplay with final judgment CV 58</p> | <p>Standing Committee; AP amendment to Federal Rule of Appellate Procedure 4(a)(7), 1/00</p> | <p>4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 10/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p> |
| <p>Rule 55(a) Amend rule to provide that a default may also be entered against a defending party “for failure to comply with these rules or any order of court.”</p> | <p>Prof. Bradley Scott Shannon 1/14/03 (02-CV-F Addendum)</p> | <p>1/03 - Referred to reporter and chair 4/04 - Committee considered and declined to adopt COMPLETED</p> |
| <p>Rule 56 To clarify cross-motion for summary judgment</p> | <p>John J. McCarthy 11/21/97</p> | <p>12/97 - Referred to reporter, chair, and Agenda Subcommittee PENDING FURTHER ACTION</p> |
| <p>Rule 56(a) Clarification of timing</p> | <p>97-CV-B Scott Cagan 2/27/97</p> | <p>3/97 - Referred to reporter, chair, and Agenda Subcommittee 5/97 - Reporter recommended no action 3/99 - Agenda Subcommittee to accumulate for periodic revision PENDING FURTHER ACTION</p> |
| <p>Rule 56(c) Time for service and grounds for summary adjudication</p> | <p>Judge Judith N. Keep 11/21/94</p> | <p>4/95 - Committee considered 11/95 - Committee considered 3/99 - Agenda Subcommittee to accumulate for periodic revision 1/02 - Committee considered and set for further discussion PENDING FURTHER ACTION</p> |
| <p>Rule 58 60-day cap on finality judgment</p> | <p>Standing Committee; AP amendment to Federal Rule of Appellate Procedure 4(a)(7), 1/00</p> | <p>4/00 - Committee approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved with revisions 6/01 - Standing Committee approved 10/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|--|--|
| <p>Rule 58 Sets forth the procedures for entering a “final order”</p> | <p>02-CV-F Prof. Bradley Scott Shannon 5/30/02</p> | <p>7/02 - Referred to reporter and chair 10/02 - Committee removed from agenda COMPLETED</p> |
| <p>Rule 59 Uniform date for filing for filing post trial motion</p> | | <p>5/93 - Committee approved for publication 6/93 - Standing Committee approved for publication 4/94 - Committee approved 6/94 - Standing Committee approved 9/94 - Judicial Conference approved 4/95 - Supreme Court approved 12/95 - Effective COMPLETED</p> |
| <p>Rule 60(b) Parties are entitled to challenge judgments provided that the prevailing party cites the judgment as evidence</p> | <p>William Leighton 7/20/94</p> | <p>10/94 - Committee deferred for further study 4/95 - Committee declined to take action COMPLETED</p> |
| <p>Rule 62(a) Automatic stays</p> | <p>Dep. Assoc. AG, Tim Murphy</p> | <p>4/94 - Committee declined to take action COMPLETED</p> |
| <p>Rule 62.1 Proposed new rule governing “Indicative Rulings”</p> | <p>Appellate Rules Committee 4/01</p> | <p>1/02 - Committee considered 5/03 - Committee considered 10/03 - Committee considered PENDING FURTHER ACTION</p> |
| <p>Rule 65(f) Rule made applicable to copyright impoundment cases</p> | <p>See request on copyright</p> | <p>11/98 - Committee approved for publication 6/99 - Standing Committee approved for publication 8/99 - Published for public comment 4/00 - Committee approved 6/00 - Standing Committee approved 9/00 - Judicial Conference approved 4/01 - Supreme Court approved 12/01 - Effective COMPLETED</p> |
| <p>Rule 65.1 To amend to avoid conflict between 31 U.S.C. § 9396 governing the appointment of agents for sureties and the Code of Conduct for Judicial Employees</p> | <p>97-CV-L Judge H. Russel Holland 8/22/97</p> | <p>10/97 - Referred to reporter, chair, and Agenda Subcommittee 11/98 - Committee declined to act in light of earlier action taken at March 1998 meeting COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|---|--|
| <p>Rule 68 Party may make a settlement offer that raises the stakes of the offeree who would continue the litigation</p> | <p>96-CV-C Agenda book for 11/92 meeting; Judge Swearingen 10/30/96</p> <p>S. 79 Civil Justice Fairness Act of 1997 and § 3 of H.R. 903</p> <p>02-CV-D Gregory K. Arenson 4/19/02</p> | <p>1/93 - Unofficial solicitation of public comment 5/93 - Committee considered 10/93 - Committee considered 4/94 - Committee considered. Federal Judicial Center to study rule 10/94 - Committee deferred for further study 1995 - Federal Judicial Center completes its study DEFERRED INDEFINITELY 10/96 - Referred to reporter, chair, and Agenda Subcommittee (Advised of past comprehensive study of proposal) 1/97 - S. 79 introduced. § 303 would amend the rule 4/97 - Stotler letter to Hatch 5/97 - Reporter recommended continued monitoring 3/99 - Agenda Subcommittee recommended removal from agenda 10/99 - Consent calendar removed from agenda COMPLETED 5/02 - Referred to reporter and chair 10/02 - Committee considered and agreed to carry forward suggestion PENDING FURTHER ACTION</p> |
| <p>Rule 68 Permit plaintiffs and defendants to make offers of compromise</p> | <p>04-CV-H Judge Christina A. Snyder 7/23/04</p> | <p>8/04 - Referred to reporter and chair PENDING FURTHER ACTION</p> |
| <p>Rule 72(a) State more clearly the authority for reconsidering an interlocutory order</p> | <p>03-CV-E Craig C. Reilly, Esq. 8/6/03</p> | <p>8/03 - Referred to chair and reporter PENDING FURTHER ACTION</p> |
| <p>Rule 73(b) Consent of additional parties to magistrate judge jurisdiction</p> | <p>Judge Easterbrook 1/95</p> | <p>4/95 - Initially brought to Committee's attention 11/95 - Committee deferred consideration 10/96 - Committee considered along with repeal of Civil Rules 74, 75, and 76 5/97 - Reporter recommended continued monitoring 3/99 - Agenda Subcommittee recommended removal from agenda 10/99 - Consent calendar removed from agenda COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|--|---|
| <p>Rules 74,75, and 76 Repeal to conform with statute regarding alternative appeal route from magistrate judge decisions</p> | <p>96-CV-A Federal Courts Improvement Act of 1996 #1558</p> | <p>10/96 - Committee recommended repeal of rules to conform with statute 1/97 - Standing Committee approved 3/97 - Judicial Conference approved 4/97 - Supreme Court approved 12/97 - Effective COMPLETED</p> |
| <p>Rule 77(b) Permit use of audiotapes in courtroom</p> | <p>96-CV-H Glendora 9/3/96 #1975</p> | <p>12/96 - Referred to reporter and chair 5/97 - Reporter recommended that other Conference Committee should handle the issue 3/99 - Agenda Subcommittee recommended removal from agenda 10/99 - Consent calendar removed from agenda COMPLETED</p> |
| <p>Rule 77(d) Electronic noticing to produce substantial cost savings while increasing efficiency and productivity</p> | <p>97-CV-N Michael E. Kunz, Clerk of Court 9/10/97 97-CV-Q William S. Brownell, District Clerks Advisory Group 10/20/97</p> | <p>9/97 - Referred to reporter, chair, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended consideration by full Committee 4/99 - Committee approved for publication 6/99 - Standing Committee approved for publication 8/99 - Published for public comment 4/00 - Committee approved amendments 6/00 - Standing Committee approved 9/00 - Judicial Conference approved 4/01 - Supreme Court approved 12/01 - Effective COMPLETED</p> |
| <p>Rule 77.1 Sealing orders</p> | | <p>10/93 - Committee considered 4/94 - Committee declined to take action COMPLETED</p> |
| <p>Rule 81 To add injunctions to the rule</p> | <p>John J. McCarthy 11/21/97</p> | <p>12/97 - Referred to reporter, chair, and Agenda Subcommittee PENDING FURTHER ACTION</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|--|--|--|
| <p>Rule 81(a)(2) Inconsistent time period vs. Habeas Corpus Rule 1(b)</p> | <p>97-CV-E Judge Mary Feinberg 1/28/97 #2164</p> | <p>2/97 - Referred to reporter, chair, and Agenda Subcommittee 5/97 - Considered and referred to Criminal Rules Committee for coordinated response 3/99 - Agenda Subcommittee recommended deferring action until more information available 4/00 - Committee considered and approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved amendments 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 Effective COMPLETED</p> |
| <p>Rule 81(a)(1) Applicability to D.C. mental health proceedings</p> | <p>Joseph Spaniol 10/96</p> | <p>10/96 - Committee considered 5/97 - Reporter recommended consideration as part of a technical amendment package 10/98 - Committee approved for publication 1/99 - Standing Committee approved for publication 8/99 - Published for public comment 4/00 - Committee approved 6/00 - Standing Committee approved 9/00 - Judicial Conference approved 4/01 - Supreme Court approved 12/01 - Effective COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|---|---|
| <p>Rule 81(a)(1) Applicability to copyright proceedings and substitution of notice of removal for petition for removal</p> | <p>See request on copyright</p> | <p>11/98 - Committee approved for publication 1/99 - Standing Committee approved for publication 8/99 - Published for public comment 4/00 - Committee approved 6/00 - Standing Committee approved 9/00 - Judicial Conference approved 4/01 - Supreme Court approved 12/01 - Effective COMPLETED</p> |
| <p>Rule 81(a)(2) Time to make a return to a petition for habeas corpus</p> | <p>Criminal Rules Committee 4/00</p> | <p>4/00 - Committee approved for publication 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 4/01 - Committee approved 6/01 - Standing Committee approved 10/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p> |
| <p>Rule 81(c) Removal of an action from state courts — technical conforming change deleting “petition”</p> | <p>Joseph D. Cohen 8/31/94</p> | <p>4/95 - Accumulate other technical changes and submit eventually to Congress 11/95 - Reiterated April 1995 decision 5/97 - Reporter recommended that it be included in next technical amendment package 3/99 - Agenda Subcommittee to accumulate for periodic revision 4/99 - Committee considered PENDING FURTHER ACTION</p> |
| <p>Rule 82 To delete obsolete citation</p> | <p>99-CV-G Charles D. Cole, Jr., Esq. 11/3/99</p> | <p>12/99 - Referred to reporter, chair, and Agenda Subcommittee 4/00 - Committee approved for transmission without publication 6/00 - Standing Committee approved 9/00 - Judicial Conference approved 4/01 - Supreme Court approved 12/01 - Effective COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|---|---|
| <p>Rule 83(a)(1) Uniform effective date for local rules and transmission to AO</p> | | <p>3/98 - Committee considered 11/98 - Committee considered 3/99 - Agenda Subcommittee recommends referral to other Committee (3) 4/00 - Committee considered DEFERRED INDEFINITELY</p> |
| <p>Rule 83 Negligent failure to comply with procedural rules; local rule uniform numbering</p> | | <p>5/93 - Committee approved for publication 6/93 - Standing Committee approved for publication 10/93 - Published for public comment 4/94 - Committee approved with revisions 6/94 - Standing Committee approved 9/94 - Judicial Conference approved 4/95 - Supreme Court approved 12/95 - Effective COMPLETED</p> |
| <p>Rule 83(b) Authorize Conference to permit local rules inconsistent with national rules on an experimental basis</p> | | <p>4/92 - Committee approved for publication 6/92 - Committee withdrew at Standing Committee meeting COMPLETED</p> |
| <p>Rule 83 Have a uniform rule making Federal Rules of Civil Procedure consistent with Federal Rules of Appellate Procedure with respect to attorney admission</p> | <p>02-CV-H Frank Amador, Esq. 9/19/02</p> | <p>9/02 - Referred to reporter and chair PENDING FURTHER ACTION</p> |
| <p>Rule 84 Authorize Conference to amend rules</p> | | <p>5/93 - Committee considered 4/94 - Committee declined to take action COMPLETED</p> |
| FORMS | | |
| <p>CV Form 1 Standard form AO 440 should be consistent with summons Form 1</p> | <p>98-CV-F Joseph W. Skupniewitz, Clerk 10/2/98</p> | <p>10/98 - Referred to chair, reporter, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended full Committee consideration PENDING FURTHER ACTION</p> |
| <p>CV Form 17 Complaint form for copyright infringement</p> | <p>Professor Edward Cooper 10/27/97</p> | <p>10/97 - Referred to Committee 3/99 - Agenda Subcommittee recommends full Committee consideration 4/99 - Committee deferred for further study PENDING FURTHER ACTION</p> |

| Suggestion | Docket Number, Source, and Date | Status |
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| <p>CV Forms 31 and 32 Delete the phrase, "that the action be dismissed on the merits" as erroneous and confusing</p> | <p>02-CV-F Prof. Bradley Scott Shannon 5/30/02</p> | <p>7/02 - Referred to chair and reporter 10/02 - Referred to Style Consultant PENDING FURTHER ACTION</p> |
| <p>AO Forms 241 and 242 Amend to conform to changes under the Antiterrorism and Effective Death Penalty Act of 1997</p> | <p>98-CV-D Judge Harvey E. Schlesinger 8/10/98</p> | <p>8/98 - Referred to reporter, chair, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommends referral to other Committee PENDING FURTHER ACTION</p> |
| SUBJECT MATTER | | |
| <p>Admiralty Rule B Clarify Rule B by establishing the time for determining when the defendant is found in the district</p> | <p>01-CV-B William R. Dorsey, III, Esq., President, The Maritime Law Association</p> | <p>6/00 - Referred to reporter, chair, and Mark Kasanin 11/01 - Committee considered 10/02 - Committee approved for publication 1/03 - Standing Committee approved for publication 8/03 - Published for public comment 4/04 - Committee considered and approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved PENDING FURTHER ACTION</p> |
| <p>Admiralty Rule B, C, and E Amend to conform to Rule C governing attachment in support of an in personam action</p> | <p>Agenda book for the 11/95 meeting</p> | <p>4/95 - Committee deferred for further consideration 11/95 - Draft presented to Committee 4/96 - Committee considered 10/96 - Committee considered and assigned to Subcommittee 5/97 - Committee considered 10/97 - Committee approved for publication and requested accelerated review by Standing Committee 1/98 - Standing Committee approved publication at regularly scheduled time 8/98 - Published for public comment 4/99 - Committee approved amendments with revisions 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|---|---|
| <p>Admiralty Rule C To conform time deadlines with Forfeiture Act</p> | <p>Civil Asset Forfeiture Act of 2000</p> | <p>10/00 - Committee approved for publication 1/01 - Standing Committee approved for publication; comments due 4/2/01 4/01 - Committee approved amendments 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective COMPLETED</p> |
| <p>New Admiralty Rule G Authorize immediate posting of preemptive bond to prevent vessel seizure</p> | <p>96-CV-D Magistrate Judge Roberts 9/30/96 #1450</p> | <p>12/96 - Referred to Admiralty and Agenda Subcommittee 3/99 - Agenda Subcommittee deferred action until more information available 5/02 - Committee discussed new rule governing civil forfeiture practice 5/03 - Committee considered new Admiralty Rule G 4/04 - Committee considered and approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment PENDING FURTHER ACTION</p> |
| <p>Inconsistent Statute 46 U.S.C. § 786 inconsistent with admiralty</p> | <p>97-CV-A Michael Cohen 1/14/97 #2182</p> | <p>2/97 - Referred to reporter and chair; Supreme Court decision moots issue COMPLETED</p> |
| <p>Non-applicable Statute 46 U.S.C. § 767 Death on the High Seas Act not applicable to any navigable waters in the Panama Canal Zone</p> | <p>97-CV-O Michael Marks Cohen 9/17/97</p> | <p>10/97 - Referred to reporter, chair, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended removal from agenda 10/99 - Consent calendar removed from agenda COMPLETED</p> |
| <p>Admiralty Rule C(4) Amend to satisfy constitutional concerns regarding default in actions <i>in rem</i></p> | <p>97-CV-V Gregory B. Walters, Cir. Exec., for Jud. Council of Ninth Cir. 12/4/97</p> | <p>1/98 - Referred to reporter, chair, and Agenda Subcommittee 3/99 - Agenda Subcommittee recommended deferral until more information available PENDING FURTHER ACTION</p> |
| <p>Adoption of form complaints for prisoner actions</p> | <p>99-CV-F Iyass Suliman, prisoner 8/3/99</p> | <p>8/99 - Referred to reporter, chair, and Agenda Subcommittee 8/99 - Subcommittee recommended removal from agenda 10/99 - Committee approved recommendation COMPLETED</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|---|---|
| Copyright Rules of Practice Update | Inquiry from West Publishing | 4/95 - To be reviewed with additional information at upcoming meetings 11/95 - Committee considered 10/96 - Committee considered 10/97 - Committee deferred until spring '98 meeting 3/98 - Committee deferred until fall '98 meeting 11/98 - Committee approved for publication 1/99 - Standing Committee approved for publication 8/99 - Published for public comment 4/00 - Committee approved amendments 6/00 - Standing Committee approved 9/00 - Judicial Conference approved 4/01 - Supreme Court approved 12/01 - Effective COMPLETED |
| Court filing fee AO regulations on court filing fees should not be effective until adoption in the FRCP or Local Rules of Court | 02-CV-C James A. Andrews 4/1/02, 5/13/02 | 4/02 - Referred to reporter and chair 6/02 - Referred second letter to reporter and chair PENDING FURTHER ACTION |
| De Bene Esse Depositions Provide specifically for <i>de bene esse</i> depositions | 02-CV-G Judge Joseph E. Irenas 6/7/02 | 7/02 - Referred to reporter and chair 10/02 - Committee solicited input from Evidence Rules Committee PENDING FURTHER ACTION |
| Discovery Rules Return to them as they were before the 1993 amendments | 04-CV-D Judge Wm. R. Wilson, Jr. 2/9/04 | 3/04 - Referred to reporter and chair PENDING FURTHER ACTION |
| Electronic Filing To require clerk's office to date stamp and return papers filed with the court. | 99-CV-I John Edward Schomaker, prisoner 11/25/99 | 12/99 - Referred to reporter, chair, Agenda Subcommittee, and Technology Subcommittee PENDING FURTHER ACTION |
| Interrogatories on Disk | 98-CV-C Michelle Ritz 5/13/98 See also 99-CV-E: Jeffrey Yencho suggestion re: Rules 3 and 34 | 5/98 - Referred to reporter, chair, and Agenda Subcommittee 3/99 - Agenda Subcommittee received and referred to other Committee PENDING FURTHER ACTION |
| Page Limits Specifying page limit for motions in Civil Rules | 01-CV-A Jacques Pierre Ward 1/8/01 | 4/00 - Referred to reporter and chair 1/02 - Committee recommended no change COMPLETED |

| Suggestion | Docket Number, Source, and Date | Status |
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| <p>Plain English Make the language understandable to all</p> | <p>02-CV-I Conan L. Hom, law student 10/2/02</p> | <p>10/02 - Referred to reporter and chair 5/03 - Committee approved restyled Civil Rules 1-15 6/03 - Standing Committee approved for publication. Publication to be deferred 10/03 - Committee considered and approved for publication restyled Civil Rules 16-25 and 26-37 and 45 4/04 - Committee considered and approved for publication restyled Civil Rules 38-63 6/04 - Standing Committee approved for publication PENDING FURTHER ACTION</p> |
| <p>Postal Bar Codes Prevent manipulation of bar codes in mailings, as in zip plus 4 bar codes</p> | <p>00-CV-D Tom Scherer 3/2/00</p> | <p>7/00 - Referred to reporter, chair, and incoming chair PENDING FURTHER ACTION</p> |
| <p>Pro Se Litigants To create a committee to consider the promulgation of a specific set of rules governing cases filed by pro se litigants</p> | <p>97-CV-I Judge Anthony J. Battaglia, on behalf of the Federal Magistrate Judge Assn. Rules Committee, to support proposal by Judge David Piester 7/17/97</p> | <p>7/97 - Referred to reporter and chair 10/97 - Referred to Agenda Subcommittee 3/99 - Agenda Subcommittee received schedule for further study PENDING FURTHER ACTION</p> |
| <p>Racial Discrimination To develop new Federal procedures for decisions on minority litigant discrimination cases</p> | <p>02-CV-A Tracey J. Ellis 1/26/02, 4/10/02</p> | <p>1/02 - Referred to reporter and chair 4/02 - Referred to reporter and chair 5/02 - Committee declined to take action COMPLETED</p> |
| <p>Recycled Paper and Double-Sided Paper</p> | <p>Christopher D. Knopf 9/20/95</p> | <p>11/95 - Committee considered 6/00 - CACM assigned issue and made recommendation for Judicial Conference policy COMPLETED</p> |
| <p>Require less than unanimous verdicts</p> | <p>04-CV-F Judge James T. Trimble, Jr. 4/1/04</p> | <p>4/04 - Referred to reporter and chair PENDING FURTHER ACTION</p> |
| <p>Simplified Procedures Establish federal small claims procedures</p> | <p>Judge Niemeyer 10/00</p> | <p>10/99 - Committee considered, Subcommittee appointed 4/00 - Committee considered 10/00 - Committee considered PENDING FURTHER ACTION</p> |

| Suggestion | Docket Number, Source, and Date | Status |
|---|--|---|
| <p>Word Substitution Substitute term “action” for “case” and other similar words; substitute term “averment” for “allegation” and other similar words</p> | <p>02-CV-F Prof. Bradley Scott Shannon 5/30/02</p> | <p>7/02 - Referred to reporter and chair 10/02 - Referred to Style Consultant 4/04 - Committee considered and declined to adopt COMPLETED</p> |