



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE OF
THE UNITED STATES
Presiding

HONORABLE THOMAS F. HOGAN
Secretary

December 1, 2011

MEMORANDUM

To: All United States Judges
Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts
Chief Probation Officers
Chief Pretrial Services Officers
Senior Staff Attorneys
Chief Preargument/Conference Attorneys
Bankruptcy Administrators
Circuit Librarians

From: Judge Thomas F. Hogan *Thomas F. Hogan*

RE: AMENDMENTS TO THE FEDERAL RULES OF PRACTICE AND PROCEDURE
(IMPORTANT INFORMATION)

Congress has taken no action on the amendments to the Federal Rules of Appellate, Bankruptcy, and Criminal Procedure, and the Federal Rules of Evidence, approved by the Supreme Court on April 26, 2011. Under the Rules Enabling Act, 28 U.S.C. § 2072, the following amendments to the rules take effect on December 1, 2011:

- Appellate Rules 4 and 40;
- Bankruptcy Rules 2003, 2019, 3001, 4004, and 6003, and new Rules 1004.2 and 3002.1;
- Criminal Rules 1, 3, 4, 6, 9, 32, 40, 41, 43, and 49, and new Rule 4.1; and
- Restyled Evidence Rules 101–1103.

Under 28 U.S.C. § 2074(a) and the April 26, 2011, Supreme Court orders, the amendments will govern all proceedings commenced on or after December 1, 2011, and all proceedings then pending “insofar as just and practicable.”

The text of the amended rules and extensive supporting documentation can be found on the Judiciary's Federal Rulemaking website at <http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/Overview.aspx>. The amendments were mailed to you earlier this year as part of House Documents 112-28, 112-29, 112-30, and 112-31. Pamphlets containing the rules as amended will be sent to you as soon as they become available from the Government Printing Office.

In addition, Congress has passed, and the President has signed, the Appeal Time Clarification Act of 2011, Pub. L. No. 112-62. The legislation amends 28 U.S.C. § 2107 to accord with the amendments to Appellate Rule 4. Like the rule amendments, the statutory amendments made by the legislation take effect on December 1, 2011. The proposed amendments to Appellate Rule 4 clarify the deadline for any party to appeal in civil cases to which a United States officer or employee is a party. Because the time to appeal in a civil case is set not only by Appellate Rule 4, but also by 28 U.S.C. § 2107, the Judicial Conference requested legislation to make the same clarifying change to § 2107. The amendments to the rule and statute clarify that a 60-day period to appeal (rather than the usual 30 days in a civil case) applies when one of the parties is the United States itself, a United States agency, a United States officer or employee sued in an official capacity, or a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf.

If you have any questions about the status of any of the amendments, please contact Jonathan C. Rose, Rules Committee Officer, or Benjamin J. Robinson, Deputy Rules Officer and Counsel, Rules Committee Support Office, at (202) 502-1820.