



ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

HONORABLE JOHN D. BATES  
Director

WASHINGTON, D.C. 20544

November 27, 2013

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 Circuit Mediators  
Bankruptcy Administrators  
Circuit Librarians

From:

Judge John D. Bates

A handwritten signature in black ink, appearing to read "John D. Bates".

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, Civil, and Criminal Procedure, and the Federal Rules of Evidence approved by the Supreme Court and transmitted to Congress on April 16, 2013. Under the Rules Enabling Act, 28 U.S.C. §§ 2071-75, the following amendments take effect on December 1, 2013:

- Appellate Rules 13, 14, 24, 28, and 28.1, and Form 4
- Bankruptcy Rules 1007(b)(7), 4004(c)(1), 5009(b), 9006(d), 9013, and 9014
- Civil Rules 37 and 45
- Criminal Rules 11 and 16
- Evidence Rule 803(10)

Under 28 U.S.C. § 2074(a) and the Supreme Court orders dated April 13, 2013, and April 16, 2013, the amendments will govern all proceedings commenced on or after December 1, 2013, and all proceedings then pending "insofar as just and practicable."

The text of the amended rules as well as extensive supporting documentation – including excerpts from the report of the Judicial Conference containing the Committee Notes, which are part of House Documents 113-25, 113-26, 113-27, 113-28, and 113-29 – can be found on the Judiciary’s Federal Rules of Practice & Procedure website at: <http://www.uscourts.gov/RulesAndPolicies/rules.aspx>. Pamphlets containing the rules as amended will be sent to you as soon as they become available from the Office of the Law Revision Counsel and the Government Printing Office.

In addition, several civil and bankruptcy forms were revised to conform with the rules amendments, and also take effect on December 1, 2013:

- AO 88 Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action
- AO 88A Subpoena to testify at a Deposition in a Civil Action
- AO 88B Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action
- B 254 Subpoena for Rule 2004 Examination
- B 255 Subpoena to Appear and Testify at a hearing or Trial in a Bankruptcy Case (or Adversary Proceeding)
- B 256 Subpoena to Testify at a Deposition in a Bankruptcy Case (or Adversary Proceeding)
- B 257 Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case (or Adversary Proceeding)
- AO 239 Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

The primary change to the subpoena forms was the revised text of Civil Rule 45 as well as new advisories at the bottom of the first and third pages of each form. Additionally, four new bankruptcy forms replace three earlier forms in order to more closely follow the organization of the civil subpoena forms. Finally, AO 239, Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), was modified to reflect changes to Form 4 of the Federal Rules of Appellate Procedure.