



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

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

A handwritten signature in black ink that reads "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.