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AMENDMENTS TO THE FEDERAL RULES OF CIVIL PROCEDURE

COMMUNICATION

FROM

THE CHIEF JUSTICE, THE SUPREME COURT OF THE UNITED STATES

TRANSMITTING

AMENDMENTS TO THE FEDERAL RULES OF CIVIL PROCEDURE THAT HAVE BEEN ADOPTED BY THE SUPREME COURT, PURSUANT TO 28 U.S.C. 2072



JUNE 3, 2008.—Referred to the Committee on the Judiciary and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
42–662 WASHINGTON : 2008

SUPREME COURT OF THE UNITED STATES,
Washington, DC, April 23, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to submit to the Congress the amendment to Rule C of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions that has been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying this rule are excerpts from the report of the Judicial Conference of the United States containing the Committee Note submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.

Sincerely,

JOHN G. ROBERTS, Jr.,
Chief Justice.

April 23, 2008

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. That the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions be, and they hereby are, amended by including therein the amendment to Rule C.

[See infra., pp. __ __ __.]

2. That the foregoing amendment to the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions shall take effect on December 1, 2008, and shall govern in all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. That THE CHIEF JUSTICE be, and hereby is, authorized to transmit to the Congress the foregoing amendment to the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions in accordance with the provisions of Section 2072 of Title 28, United States Code.

SUPPLEMENTAL RULES FOR ADMIRALTY OR MARITIME CLAIMS AND ASSET FORFEITURE ACTIONS

Rule C. In Rem Actions: Special Provisions

* * * * *

(6) Responsive Pleading; Interrogatories.

(a) Statement of Interest; Answer. In an action in rem:

(i) a person who asserts a right of possession or any ownership interest in the property that is the subject of the action must file a verified statement of right or interest:

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JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

JAMES C. DUFF
Secretary

January 10, 2008

MEMORANDUM

To: The Chief Justice of the United States and the Associate Justices of the Supreme Court

From: James C. Duff

RE: TRANSMITTAL OF PROPOSED AMENDMENT TO THE FEDERAL RULES OF CIVIL PROCEDURE

By direction of the Judicial Conference of the United States, pursuant to the authority conferred by 28 U.S.C. § 331, I transmit herewith for consideration of the Court a proposed amendment to Rule C of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, which was approved by the Judicial Conference at its March 2007 session. The Judicial Conference recommends that the amendment be approved by the Court and transmitted to the Congress pursuant to law.

For your assistance in considering the proposed amendments and new rule, I am transmitting an excerpt from the Report of the Committee on Rules of Practice and Procedure to the Judicial Conference as well as the Report of the Advisory Committee on the Federal Rules of Civil Procedure.

Attachments

EXCERPT FROM THE
REPORT OF THE JUDICIAL CONFERENCE

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES:

* * * * *

FEDERAL RULES OF CIVIL PROCEDURE

Rule Approved for Approval and Transmission

The Advisory Committee on Civil Rules submitted a proposed technical amendment to Supplemental Rule C(6)(a) with a recommendation that it be approved without publication and transmitted directly to the Judicial Conference. The amendment addresses an inadvertent drafting omission made when the rule was amended in December 2006. The amended rule did not capitalize the first word of a new subparagraph. The proposed technical amendment to Rule C(6)(a) corrects this minor drafting problem, avoiding potential confusion and making the subparagraph more parallel with other provisions. Under the governing Judicial Conference rulemaking procedures, notice and public comment on a proposed rule amendment are not required if it is determined that they are not appropriate or necessary. The advisory committee concluded that public comment was unnecessary.

The Committee concurred with the advisory committee's recommendation.

Recommendation: That the Judicial Conference approve the proposed amendment to Supplemental Rule C(6)(a) and transmit this change to the Supreme Court for its consideration with the recommendation that it be adopted by the Court and transmitted to Congress in accordance with the law.

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

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To: **Honorable David F. Levi, Chair**
Standing Committee on Rules of Practice and Procedure

From: **Honorable Lee H. Rosenthal, Chair**
Advisory Committee on Federal Rules of Civil Procedure

Date: **December 12, 2006**

Re: **Report of the Civil Rules Advisory Committee**

Introduction

The Civil Rules Advisory Committee met at the Vanderbilt Law School in Nashville, Tennessee, on September 7 and 8, 2006.

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Part I presents a technical amendment to Supplemental Rule C(6)(a) with a recommendation that it be approved without publication for comment, because it is a technical amendment.

* * * * *

I. Action Item: Recommendation For Adoption Without Publication

The Advisory Committee recommends approval for adoption without publication of a technical amendment to Supplemental Rule C(6)(a)(i).

Adoption of Supplemental Rule G, which took effect on December 1, 2006, required conforming amendments that withdrew portions of other Supplemental Rules that dealt with civil forfeiture proceedings. An unintended omission failed to capitalize "A" as the first word of subparagraph C(6)(a)(i). The omission might be cured by simply capitalizing "A," but a better parallel with subdivisions C(1), (2), and (5) can be achieved by these changes:

SUPPLEMENTAL RULES FOR ADMIRALTY OR MARITIME CLAIMS AND ASSET FORFEITURE ACTIONS*

Rule C. In Rem Actions: Special Provisions

* * * * *

(6) Responsive Pleading; Interrogatories.

(a) ~~Maritime Arrests and Other Proceedings~~ Statement of Interest; Answer. In an action in rem:

(i) a person who asserts a right of possession or any ownership interest in the property that is the subject of the action must file a verified statement of right or interest:

* * * * *

Committee Note

Supplemental Rule C(6)(a)(i) is amended to correct an inadvertent omission in the 2006 amendment to Rule C. The amendment is technical and stylistic in nature. No substantive change is intended.

*New material is underlined; matter to be omitted is lined through.