

RESEARCH ON THE:

FEDERAL RULES OF CIVIL PROCEDURE
FEDERAL RULES OF CRIMINAL PROCEDURE
FEDERAL RULES OF BANKRUPTCY PROCEDURE
FEDERAL RULES OF EVIDENCE

Overview

Congress authorized the federal judiciary to determine rules of procedure for the federal courts in 28 U.S.C. 2071-2077. In general the various federal rules are promulgated by committees within the Judicial Conference of the United States, approved by Supreme Court, and subject to the ultimate approval of Congress. Historically, Congress has varied its level of involvement in the development of court rules, but generally, it has deferred to the recommendations of the Judicial Conference's Committees.

Historical Documents: Materials documenting the history of federal rules generally include minutes and transcripts of committee meetings, the meeting deskbooks containing the draft rule proposals and analyses of supporting rationales for committee consideration that are given to the committee members discussing the proposal, related reference material gathered by the committee, correspondence among committee members, written comments of legal professionals and organizations in private practice, the courts, and the U.S. Justice Department.

Sources for documents relating to the rules can also include Congressional publications typical for research on the United States Code, archival sources of the Judicial Conference, and archival sources of the papers of individual committee members that are widely scattered around the country.

FRCP 50: Our firm has special expertise in the history of FRCP 50: Judgment as a Matter of Law in Jury Trials; Alternative Motion for New Trial; Conditional Rulings. The formal process of adopting FRCP 50 began in 1935 as a response to two conflicting decisions on the issue of reserving decision on motion for directed verdict. This section has a very complex history so focusing on a specific issue or section of language can produce a much more useful and cost effective report.

Professional Research

Research on federal rules is less predictable than statutory or regulatory research, and therefore more difficult for us to provide a firm fee quote in advance. We therefore proceed on an hourly basis, within a preset maximum budget. We will provide an estimate of a preset maximum budget we think will be sufficient for the scope of the project, although it is an estimate and not a quote. If we are given 3 to 4 weeks to do the research the hourly rate will \$55. If we are given 1 to 2 weeks the hourly rate will be \$75. If you need the report ASAP the hourly rate will be \$125. At the point we reach the preset budget limit we report with our findings and an overview of what further can be done – you make a decision at that time whether we should proceed. If we complete the work before the maximum budget is reached, we report and terminate the project and bill only for the time expended.