

Guide to Judiciary Policy

Vol. 1: Governance and Authorities

Ch. 4: Judicial Conference and Its Committees

(Note: Except for [§ 440](#), no [unauthorized](#) disclosure of this policy guidance outside the judiciary is permitted.)

[§ 410 Overview of the Judicial Conference](#)

[§ 410.10 Judicial Conference Membership](#)

[§ 410.20 Judicial Conference Duties and Responsibilities](#)

[§ 410.30 Judicial Conference Sessions](#)

[§ 410.40 Reports of the Proceedings of the Judicial Conference](#)

[§ 410.50 Judicial Conference Organization and Operating Procedures](#)

[§ 420 Judicial Conference Committees](#)

[§ 420.10 Relationship Between the Judicial Conference and its Committees](#)

[§ 420.15 Role of Committees](#)

[§ 420.20 Matters Before Committees](#)

[§ 420.25 Executive Committee of the Judicial Conference](#)

[§ 420.30 Role of Committee Chairs](#)

[§ 420.40 Appointments to Committees](#)

[§ 420.45 Composition of Committees](#)

[§ 420.50 Terms of Committee Members](#)

[§ 420.55 Administrative Office Staff Support for the Committees](#)

[§ 420.60 Federal Judicial Center Support for the Committees](#)

[§ 420.65 Committee Agenda Materials and Reports](#)

[§ 425 Judiciary Planning](#)

[§ 430 Committee Jurisdiction](#)

[§ 430.10 The Executive Committee](#)

[§ 430.13 Committee on Audits and Administrative Office Accountability](#)

[§ 430.16 Committee on the Administration of the Bankruptcy System](#)

[§ 430.20 Committee on the Budget](#)

[§ 430.23 Committee on Codes of Conduct](#)

[§ 430.26 Committee on Court Administration and Case Management](#)

[§ 430.30 Committee on Criminal Law](#)

[§ 430.33 Committee on Defender Services](#)

[§ 430.36 Committee on Federal-State Jurisdiction](#)

[§ 430.40 Committee on Financial Disclosure](#)

[§ 430.43 Committee on Information Technology](#)

[§ 430.46 Committee on Intercircuit Assignments](#)

[§ 430.50 Committee on International Judicial Relations](#)

[§ 430.53 Committee on the Judicial Branch](#)

[§ 430.56 Committee on Judicial Conduct and Disability](#)

[§ 430.60 Committee on Judicial Resources](#)

[§ 430.63 Committee on Judicial Security](#)

[§ 430.66 Committee on the Administration of the Magistrate Judges System](#)

[§ 430.70 Committee on Rules of Practice and Procedure](#)

[§ 430.73 Rules Advisory Committees](#)

[§ 430.76 Committee on Space and Facilities](#)

[§ 440 Procedures for Committees on Rules of Practice and Procedure](#)

[§ 440.10 Overview](#)

[§ 440.20 Advisory Committees](#)

[§ 440.30 Standing Committee](#)

§ 410 Overview of the Judicial Conference

The Judicial Conference of the United States serves as the central policy-making body and national voice for the federal judiciary. The Conference was originally created and named by Congress in 1922 as the Conference of Senior Circuit Judges. In 1948, with the enactment of [28 U.S.C. § 331](#), the name was changed to the Judicial Conference of the United States. District judges were added to the Conference in 1957. Twenty-six Article III judges serve on the Conference, and it is presided over by the Chief Justice of the United States. For details concerning procedures of the Judicial Conference and its committees, **see:** [The Judicial Conference of the United States and Its Committees](#).

§ 410.10 Judicial Conference Membership

- (a) The Chief Justice of the United States is the presiding officer of the Judicial Conference. Membership is comprised of the chief judge of each judicial circuit, the chief judge of the Court of International Trade, and a district judge from each regional judicial circuit. The district judge representative may be either a judge in regular active service or a judge retired under [28 U.S.C. § 371\(b\)](#).
- (b) A circuit chief judge's term on the Conference is concurrent with his or her term as chief judge of the circuit, which can be seven years or until attaining the age of seventy years, whichever comes first. **See:** [28 U.S.C. § 45](#). Similar provisions apply to the chief judge of the Court of International Trade. **See:** [28 U.S.C. § 258](#).
- (c) District judge representatives are elected for terms of not less than three nor more than five successive years, as established by majority vote of all circuit and district judges of the circuit. **See:** [28 U.S.C. § 331](#). By Conference policy, terms are effective on October 1 of any given year, unless otherwise provided.

- (d) The Chief Justice also designates, for two-year terms, a bankruptcy judge and a magistrate judge to attend Conference sessions as non-voting observers.

§ 410.20 Judicial Conference Duties and Responsibilities

The Judicial Conference's duties and responsibilities include, among others, the following.

§ 410.20.10 Policy-Making and Administrative Direction

The Judicial Conference:

- (a) Serves as the central policy-making body and national voice for the judiciary, but generally does not have plenary authority to issue orders governing administration of the judiciary or individual courts.
- (b) "Supervises" and "directs" the Director of the Administrative Office of the United States Courts (AO) in the performance of a wide variety of management and administrative functions ([28 U.S.C. § 604](#)).
- (c) Approves the judiciary's congressional budget request, which is prepared and submitted to the Conference by the Director of the AO through the Conference's Budget Committee ([28 U.S.C. § 605](#)).
- (d) "Make[s] a comprehensive survey of the condition of business in the courts of the United States and prepare[s] plans for assignment of judges to or from circuits or districts where necessary" ([28 U.S.C. § 331](#)).
- (e) "Submit[s] suggestions and recommendations to the various courts to promote uniformity of management procedures and the expeditious conduct of court business" ([28 U.S.C. § 331](#)).

§ 410.20.20 Legislation

The Judicial Conference:

- (a) Transmits to Congress proposed new legislation of interest to the judiciary.
- (b) Comments on selected pending legislation that would affect the courts. Generally, the Conference comments on legislation only insofar as it may affect the administration of justice (e.g., court workloads, resources, or procedures).

- (c) Implements legislation by promulgating regulations, guidelines, and policies and by approving regulations promulgated by the Director of the AO.

§ 410.20.30 Federal Rules of Practice and Procedure

Under [28 U.S.C. § 331](#), the Judicial Conference:

- (a) Carries on “a continuous study of the operation and effect of the general rules of practice and procedure.”
- (b) Makes recommendations to the Supreme Court for changes in, and additions to, the federal rules in order to promote:
 - (1) simplicity in procedure,
 - (2) fairness in administration,
 - (3) just determination of litigation, and
 - (4) elimination of unjustifiable expense and delay.
- (c) Reviews local rules, other than those of the Supreme Court and district courts, for consistency with federal law.

For more information about federal rulemaking, **see also:** [Guide, Vol. 1, § 440](#).

§ 410.20.40 Judicial Codes of Conduct and Discipline

The Judicial Conference:

- (a) Approves codes of conduct for judges, most judicial employees, and federal public defender employees.
- (b) Acts on referrals and certifications from the circuit councils regarding misconduct or disability proceedings against judges.
- (c) Prescribes rules for the conduct of proceedings relating to misconduct and disability of judges.

See: [28 U.S.C. §§ 351-364](#).

§ 410.20.45 Financial Disclosure Requirements

The Judicial Conference:

- (a) Serves as the supervising ethics office for the purpose of implementing the financial disclosure requirements of the Ethics Reform Act of 1989 ([5 U.S.C. app. § 101 et seq.](#)).
- (b) Must refer to the Attorney General the name of any individual which it has reasonable cause to believe has willfully failed to file a report, or has willfully falsified or willfully failed to file information required to be reported, and notify the judicial council of the circuit in which the named individual serves ([5 U.S.C. app. § 104](#)).
- (c) As permitted by [5 U.S.C. app. § 111](#), the Judicial Conference has delegated its authority under the financial disclosure sections of the Ethics Reform Act to the Committee on Financial Disclosure (previously known as the Committee on Judicial Ethics) ([JCUS-SEP 1990](#), p. 85).

§ 410.20.50 Other Matters Affecting Judges and Judgeships

The Judicial Conference, among other things:

- (a) Makes recommendations to Congress about the need for additional Article III judgeships.
- (b) Prescribes the policy regarding disclosure information relevant to judges' attendance at privately funded educational programs.
- (c) Determines the number, location, and salary of magistrate judge positions ([28 U.S.C. § 633\(b\)](#)).
- (d) Submits recommendations to Congress regarding the number of bankruptcy judges for each district ([28 U.S.C. § 152\(b\)](#)).
- (e) Determines the official locations of bankruptcy judges and places of holding bankruptcy court ([28 U.S.C. § 152\(b\)](#)).
- (f) Promulgates regulations for the selection of bankruptcy judges and magistrate judges ([28 U.S.C. §§ 153\(b\), 631\(b\)](#)) and for the recall of retired bankruptcy judges and magistrate judges ([28 U.S.C. §§ 155\(b\), 375\(h\), 636\(h\)](#)).
- (g) Determines the number of court reporters for each court, sets the qualifications for court reporters, and promulgates regulations governing the verbatim recording of court proceedings ([28 U.S.C. § 753\(a\)-\(b\)](#)).
- (h) Promulgates rules determining the level of work that senior judges must perform in order to continue receiving the salary of the office (including annual adjustments) ([28 U.S.C. § 371\(e\)\(2\)](#)).

- (i) Approves regulations prescribed by the Director of the AO governing judges' travel ([28 U.S.C. § 456\(a\)](#)).
- (j) Consults with the Director of U.S. Marshals Service on matters concerning security requirements for the judicial branch ([28 U.S.C. § 331](#)).

§ 410.20.60 Other Procedural and Administrative Matters

The Judicial Conference, among other things:

- (a) Prescribes the fees to be collected by the courts (other than those fixed directly by statute) ([28 U.S.C. §§ 1913, 1914\(b\), 1926\(a\), 1930\(b\)](#)), and the Judicial Panel on Multidistrict Litigation ([28 U.S.C. § 1932](#)).
- (b) Approves the closing of court accommodations, upon recommendation of the Director of the AO ([28 U.S.C. § 462\(f\)](#)).
- (c) Elects seven judges to serve on the Board of the Federal Judicial Center ([28 U.S.C. § 621\(a\)](#)). (**Note:** The other two members of the Board serve ex officio — the Chief Justice, as chair, and the Director of the AO.)
- (d) Recommends to the President judges to serve on the U.S. Sentencing Commission ([28 U.S.C. § 991\(a\)](#)).
- (e) Submits a report to the U.S. Sentencing Commission commenting on the operation of the sentencing guidelines ([28 U.S.C. § 994\(o\)](#)).
- (f) Oversees continued efforts to reduce litigation expense and delay under the Civil Justice Reform Act of 1990 ([28 U.S.C. §§ 471, 479\(b\)-\(c\)](#)).
- (g) Approves hourly rates for defense attorneys under the Criminal Justice Act ([18 U.S.C. § 3006A\(d\)](#)).
- (h) Approves grants for community defender organizations ([18 U.S.C. § 3006A\(g\)\(2\)\(B\)](#)).
- (i) Approves on an annual basis a long-range information technology plan for the judiciary ([28 U.S.C. § 612\(b\)](#)).
- (j) Promulgates rules for the disposal of court records and papers (consistent with title 44, United States Code) ([28 U.S.C. § 457](#)).
- (k) Promulgates regulations on the amount of compensation, if any, that court-appointed arbitrators or neutrals may receive for services ([28 U.S.C. § 658\(a\)](#)).

- (l) Approves languages for certification of court interpreters ([28 U.S.C. § 1827\(b\)\(1\)](#)).
- (m) Promulgates regulations governing district court jury selection plans ([28 U.S.C. § 1863\(a\)](#)).
- (n) Promulgates regulations implementing the Ethics Reform Act of 1989, including limitations on the receipt of gifts, honoraria, and outside earned income ([5 U.S.C. §§ 7351, 7353](#)).

§ 410.30 Judicial Conference Sessions

By statute, the Chief Justice is required to summon the Judicial Conference into session annually, at such time and place in the United States as he may designate. **See:** [28 U.S.C. § 331](#). Traditionally, the Chief Justice has called the annual session in September and a semi-annual session in March. The members are required to attend each session unless excused by the Chief Justice, who may then designate a replacement. The Conference's agenda consists of a consent calendar and a discussion calendar, which are posted to JNet approximately 10 days before the Conference session.

§ 410.40 Reports of the Proceedings of the Judicial Conference

The public record of Judicial Conference activity is the *Report of the Proceedings of the Judicial Conference of the United States*. Following each Conference session, a report of the Conference's actions is prepared. The document is posted on [uscourts.gov](#) (the judiciary's public internet site) and [JNet](#) (the judiciary's intranet site) and is distributed to certain members of the legislative branch. By statute, the Chief Justice must submit a report to Congress at least once a year ([28 U.S.C. § 331](#)). The full texts of the reports of the Conference's proceedings from 1922 through the present are available to the public on [uscourts.gov](#) or on request from the AO's Judicial Conference Secretariat. For judiciary users, the reports are also available through Westlaw.

§ 410.50 Judicial Conference Organization and Operating Procedures

- (a) The Judicial Conference operates through a network of committees created to address and advise on a wide variety of subjects such as information technology, personnel, probation and pretrial services, space and facilities, security, judicial salaries and benefits, budget matters, defender services, court administration, and rules of practice and procedure. The Executive Committee of the Judicial Conference acts on the Conference's behalf between sessions on matters requiring emergency action as authorized by the Chief Justice. **See:** [§ 420.15](#).
- (b) The Director of the AO serves as Secretary to the Judicial Conference and is also an ex-officio member of the Conference's Executive Committee.

The Secretariat Officer of the AO's Judicial Conference Secretariat provides administrative support to the Conference itself and its Executive Committee, and also coordinates the activities of senior AO professional staff who dedicate all or a substantial portion of their time to the work of the Judicial Conference committees. For more details concerning procedures of the Judicial Conference, **see:** [The Judicial Conference of the United States and Its Committees](#).

§ 420 Judicial Conference Committees

§ 420.10 Relationship Between the Judicial Conference and its Committees

The Judicial Conference acts on the reports and recommendations of its 20 "standing" committees and five rules advisory committees. The committees are established along subject-matter lines. Jurisdictional statements for all of the committees are located in [§ 430](#) of this chapter.

§ 420.15 Role of Committees

- (a) Judicial Conference committees are policy advisory entities and are not involved in making day-to-day management decisions for the United States courts or for the AO.
- (b) The committees derive their jurisdiction and legal basis for existence from the Conference itself. The committees and their chairs have no independent authority or charge apart from those conferred upon them by the Conference or its Executive Committee.
- (c) A small number of committees, such as the Committee on Rules of Practice and Procedure and the Committee on Judicial Conduct and Disability, were created to carry out specific statutory responsibilities and are thus bound by certain statutory requirements.

§ 420.20 Matters Before Committees

- (a) All matters to go before the Judicial Conference are ordinarily considered by a committee prior to Conference consideration. Sources for matters to be studied and considered by Conference committees include:
 - (1) The statement of jurisdiction approved by the Judicial Conference through its Executive Committee;
 - (2) Statutory requirements (e.g., the federal rules program, financial disclosure, review of circuit council conduct and disability orders, and appropriations acts); and

- (3) Special assignments from the Chief Justice, the Conference, or the Executive Committee.
- (b) Committee chairs may consider requests from chief judges on behalf of their courts and from individual judges, circuit councils, and Congress. All such requests should be made to the Conference Secretary (i.e., the Director of the AO) for reference — through authority delegated to him by the Executive Committee — to the appropriate committee.

§ 420.25 Executive Committee of the Judicial Conference

- (a) The Executive Committee of the Judicial Conference serves as the senior executive arm of the Conference and acts on its behalf in emergencies between Conference sessions; the Executive Committee is not otherwise a policy-making committee of the Judicial Conference.
- (b) Among its responsibilities, the Executive Committee sets the agenda for the Conference through a process using consent and discussion calendars; refers matters to relevant committees of the Conference; reviews the jurisdiction of each committee and resolves jurisdictional disputes; approves the judiciary's spending plan each fiscal year; facilitates and coordinates planning by the committees; and has a special role to coordinate and monitor legislative efforts and maintain improved judicial/legislative relations. To view the Executive Committee's jurisdictional statement, **see:** [§ 430.10](#), below.
- (c) The Executive Committee is comprised of seven judges, all of whom are members of the Conference, and the Director of the AO, who serves *ex officio*.

§ 420.30 Role of Committee Chairs

- (a) Committee chairs are appointed by the Chief Justice in his capacity as presiding officer of the Judicial Conference.
- (b) Chairs have final approval over inclusion of items within the committee's jurisdiction on committee agendas, except that matters referred by the Chief Justice, the Conference, or the Executive Committee must be included.
- (c) Committee chairs play a key role in the administration of the federal court system, as they are often the spokespersons for the judiciary on matters within the jurisdiction of their committees. While any individual judge is free to speak out publicly on items of interest, committee chairs bear a special responsibility to support Judicial Conference policy to Congress and the executive branch. If a chair voices an opinion to a member of the

executive or legislative branch that differs from Conference policy or on which the Conference has no policy, the chair should expressly act as an individual judge, and not as chair or spokesperson for the committee or the Conference. This applies to committee members as well.

- (d) All committee chairs are invited to attend the sessions of the Judicial Conference. If a committee's item appears on the Conference's discussion calendar and the chair is unable to attend the Conference session, the Chief Justice will designate another member of the committee to represent the committee.

§ 420.40 Appointments to Committees

- (a) All members of the committees are appointed by the Chief Justice and serve at his pleasure for fixed or open terms (as discussed in [§ 420.50](#)).
- (b) The AO's Judicial Conference Secretariat maintains a list of potential committee members and encourages judges to volunteer to serve on committees.
- (c) Conference committees (other than the Executive Committee, as discussed in [§ 420.25](#)) are comprised of (1) judges who typically are not members of the Conference and (2) other individuals.

§ 420.45 Composition of Committees

§ 420.45.10 Membership

Chairs and members of the committees are mostly Article III judges, but bankruptcy judges and magistrate judges serve on most committees. Certain committees also have members who are state justices, federal public defenders, practicing attorneys, law professors, or executive branch government officials.

§ 420.45.20 Geographic Representation

The committees are broadly representative of the judiciary. Over half the committees are required to include in their memberships one judge from each geographic circuit.

§ 420.50 Terms of Committee Members

- (a) Except as described in paragraph (b) of this section, chairs and members of committees serve for three-year terms. Members may be reappointed by the Chief Justice to a second three-year term and usually serve a maximum of six years.

- (b) Exceptions to the set-term appointments include the Executive, Budget, and Judicial Branch Committees, the members of which serve for open terms.

§ 420.55 Administrative Office Staff Support for the Committees

The AO provides the staff support for all committees and prepares committee agenda items and reports.

§ 420.60 Federal Judicial Center Support for the Committees

The Federal Judicial Center provides committees with requested research and educational support.

§ 420.65 Committee Agenda Materials and Reports

§ 420.65.10 Agenda Materials

Committee agendas and associated background materials, files, minutes, and the like are considered working papers of the Conference and its committees and generally are not available to the public. Committees are encouraged to share agenda materials with members of other Conference committees who wish to see them, and chairs are authorized to provide access to agenda materials of their committees to others within the judicial branch on a need-to-know basis.

§ 420.65.20 Reports

- (a) Committee reports reflect the recommendations of the committee to the Judicial Conference. The reports are distributed to Judicial Conference members and observers, committee chairs, circuit executives, and AO and Federal Judicial Center senior staff several weeks in advance of a Conference session.
- (b) Prior to Conference sessions, Conference members have the discretion to share the reports within the judiciary to obtain the views of their colleagues, as they consider appropriate. However, because such reports do not represent Conference policy until the Conference acts, and because they are occasionally modified before Conference consideration due to intervening events, the reports should not be considered public documents until the relevant Conference session is concluded.
- (c) Reports are available to the public upon request to the AO's Judicial Conference Secretariat, following the Conference session. Recipients of Judicial Conference committee reports should be made aware that committee reports do not necessarily represent the policies of the Conference. Judicial Conference action may have modified or

disapproved a committee's recommendation, and this would not be reflected in the committee report. Reports from 1978 to the present are also available on Westlaw for users within the judicial branch.

§ 425 Judiciary Planning

- (a) In September 2010, the Judicial Conference approved the *Strategic Plan for the Federal Judiciary*, which presents strategies and goals to address fundamental issues facing the judiciary. At the same time, the Conference approved an approach to strategic planning for the Judicial Conference and its committees. **See:** [JCUS-SEP 2010](#), pp. 5-6. The Judicial Conference most recently approved an update to the [Strategic Plan](#) in September 2015. **See:** [JCUS-SEP 2015](#), pp. 5-6.
- (b) The Conference's Executive Committee facilitates and coordinates planning by the committees.
 - (1) An active or senior Article III judge may be designated by the Executive Committee chair to serve as the judiciary planning coordinator for a two-year renewable term. The judiciary planning coordinator assists committees with planning activities and reports to the Executive Committee.
 - (2) With suggestions from Judicial Conference committees and others, and the input of the judiciary planning coordinator, the Executive Committee identifies issues, strategies, or goals from the *Strategic Plan* that should receive priority attention.
- (c) Judicial Conference committees are central to effective judiciary planning, and planning is an essential component of the committees' general oversight and policy advisory functions.
 - (1) Committees engage in short-term operational or tactical planning as well as long-range and strategic planning. As appropriate, committees link planning and budgeting.
 - (2) Committees integrate the *Strategic Plan* into their planning and policy development activities, and lead the efforts to accomplish the strategies and goals presented in the *Strategic Plan*.
- (d) For every goal in the *Strategic Plan*, a mechanism to measure or assess the judiciary's progress will be developed.
- (e) A review of the *Strategic Plan* will take place every five years. Judicial Conference approval is required for any substantive changes, but the

Executive Committee has the authority, as needed, to approve technical and non-controversial changes to the *Strategic Plan*.

§ 430 Committee Jurisdiction

Jurisdictional boundaries of the committees have been carefully structured. Every five years, committees are asked to justify the need for their continued existence and to review their respective jurisdictions for appropriateness. The committee jurisdictional statements listed below were last updated and approved by the Executive Committee in March 2022.

§ 430.10 The Executive Committee

The senior executive arm of the Judicial Conference.

- (a) Act on behalf of the Judicial Conference between regular sessions, after consultation with the relevant Judicial Conference committee, on any matter requiring emergency action, and report to the Judicial Conference at its next session or more promptly, as necessary.
- (b) Prepare the discussion and consent calendars for meetings of the Judicial Conference. In its review of the report submitted by each Judicial Conference committee in connection with calendar preparation, the Committee may, from time to time, call to the submitting committee's attention aspects of its report that may be problematic so that the submitting committee will have the opportunity to reconsider whether to submit its report to the Judicial Conference with no change (as is its right), or to modify its report before submission to the Judicial Conference, or to take other action.
- (c) Establish and publish procedures for assembling Judicial Conference and committee agendas.
- (d) Review, revise, and publish statements of committee jurisdiction, and resolve questions as to whether a given matter falls within the jurisdiction of a particular committee. Assign matters of first impression to the appropriate committee. Receive every five years a recommendation from each committee as to whether that committee should be maintained or abolished, together with a justification for that recommendation, and make appropriate recommendations to the Judicial Conference.
- (e) Make recommendations to the Judicial Conference and its committees with respect to the needs of the judiciary that, in its view, should be addressed or planned for.

- (f) Working with the Director of the AO, fashion spending plans for the federal judiciary's congressionally approved appropriations.
- (g) Coordinate legislative liaison on behalf of the Judicial Conference and maintain and improve relationships between the judiciary and the legislative and executive branches. However, each committee will continue to be responsible for developing for Judicial Conference consideration substantive positions on legislative matters within its area of assigned responsibility.
- (h) Perform such other duties as may be delegated by the Judicial Conference or the Chief Justice.
- (i) Confer from time to time with the Chief Justice.
- (j) Facilitate and coordinate the federal judiciary's planning initiatives (**see:** [§ 425](#), above).

§ 430.13 Committee on Audits and Administrative Office Accountability

To oversee audit, review, and investigative assistance activities and address matters involving the AO specified below, recognizing that the Director is responsible for day-to-day managerial and administrative matters.

- (a) Oversee the AO's audit, review, and investigative assistance activities in and for the judiciary and recommend actions by the AO to address recurring issues.
- (b) Receive, consider, and respond to complaints and suggestions concerning operations of the AO and recommend appropriate action to the Director.
- (c) Conduct studies of the operations of the AO as requested by the Judicial Conference or the Executive Committee.

§ 430.16 Committee on the Administration of the Bankruptcy System

To oversee the bankruptcy system.

- (a) Monitor, analyze, and propose legislation affecting bankruptcy operations, including their impact on the entire judiciary, for consideration by the Judicial Conference.
- (b) Review and make recommendations to the Judicial Conference on the numbers and locations of bankruptcy judgeships; the selection, appointment, and reappointment of bankruptcy judges; and the recall of retired bankruptcy judges.

- (c) Review and make recommendations to the Judicial Conference (or, if another Conference committee has primary jurisdiction of the matter, to the appropriate committee) regarding other issues affecting the office of bankruptcy judge, including (but not limited to) the salaries and retirement benefits of bankruptcy judges and the allocation and management of bankruptcy judge resources (through temporary assignment of bankruptcy judges under [28 U.S.C. § 155\(a\)](#) and other techniques); and on other matters affecting the operation of the bankruptcy system, including (but not limited to) bankruptcy appeals, case management, court governance, federal rules of bankruptcy practice and procedure, statistical workload information and projections, and cost-containment initiatives such as collaborative sharing arrangements and the consolidation of court units.
- (d) Review and make recommendations to the Committee on Judicial Resources concerning staffing and support services for bankruptcy judges, staffing formulae for bankruptcy clerks' offices, and staffing requirements for other non-judge bankruptcy personnel, and approve individual chambers staff positions for bankruptcy judges insofar as staff may be allocated on a case-by-case basis pursuant to established policy.
- (e) Review and make recommendations to the Judicial Conference (or, if another Conference committee has primary jurisdiction of the matter, to the appropriate committee) and the Director of the AO regarding matters involving the operation and administration of the bankruptcy administrator program and the relationship with U.S. trustees concerning estate administration.
- (f) Propose adequate funding resources when the budget is being formulated to support the programs within the committee's jurisdiction, taking into account the overall fiscal situation of the judiciary, and monitor the condition of the fund held in escrow to pay the chapter 7 trustees.

§ 430.20 Committee on the Budget

To assemble and present to Congress the budget for the judicial branch.

- (a) Consult with Judicial Conference committees on proposals with budgetary implications and their justification, including revenue enhancement proposals such as new fees.
- (b) Consult with committee chairs to formulate and present for approval of the Judicial Conference a budget request to Congress for the following judiciary appropriations: Courts of Appeals, District Courts, and Other Judicial Services Salaries and Expenses; Defender Services; Court Security; and Fees of Jurors and Commissioners. Propose appropriate

funding levels, as necessary, working with the Judicial Conference and relevant committee chairs to arrive at those levels.

- (c) Assist the judiciary's efforts to improve fiscal responsibility, accountability, and efficiency in overall operations.
- (d) Make recommendations as appropriate on ways to develop and execute the budget of the judiciary in a logical and accountable manner, including specific line-item budgetary reductions.
- (e) Present and defend the budget approved by the Judicial Conference to Congress.
- (f) Monitor reports of expenditure of appropriated funds.

§ 430.23 Committee on Codes of Conduct

To provide advice, training, and other information on the application of the Code of Conduct for United States Judges and other judicial branch codes of conduct and Titles III and VI of the Ethics Reform Act of 1989, as amended; to implement statutory provisions relating to deferral of capital gains tax on certain ethics-based divestitures of property by judicial officers; and to recommend policies concerning matters of judicial ethics.

- (a) Render confidential advisory opinions on the application of the codes in response to confidential inquiries from persons bound by a code adopted by the Judicial Conference.
- (b) Render confidential advisory opinions, in response to confidential inquiries, concerning the application of other codes of conduct binding on officers and employees of other entities of the judicial branch, the Tax Court, or the Court of Veterans Appeals, so long as (1) the relevant code is substantially identical in all material respects to a code adopted by the Judicial Conference, and (2) the court or judicial branch entity served by the inquirer has requested that the Committee render confidential advisory opinions to its officers and employees concerning the relevant code.
- (c) Render confidential advisory opinions interpreting Titles III (relating to gifts to federal employees) and VI (relating to limitations on outside earned income, honoraria, and outside employment) of the Ethics Reform Act of 1989, as amended, in response to confidential inquiries from judicial officers and employees of the judicial branch, except those of the Supreme Court and the Federal Judicial Center.
- (d) Publish such advisory opinions, after appropriate redaction to preserve privacy interests, on issues frequently raised or of broad application.

- (e) Make policy recommendations to the Judicial Conference on matters of judicial ethics, including proposals to adopt or pursue code and statutory modifications.
- (f) Determine whether divestiture of specific property is reasonably necessary to comply with federal conflict of interest requirements and issue certificates of divestiture, under [26 U.S.C. \(I.R.C.\) § 1043](#), to judicial officers other than Supreme Court Justices.
- (g) Educate and inform judicial officers and employees about their ethical responsibilities under the foregoing provisions.

§ 430.26 Committee on Court Administration and Case Management

To study and make recommendations on matters affecting case management; the operation of appellate, district and bankruptcy clerks' offices; jury administration; and other court operational matters.

- (a) Monitor all case management activity of the appellate and district courts, and make recommendations for changes and improvements.
- (b) Make recommendations on proposals (including proposed legislation and proposed federal rules) involving matters including, but not limited to: court administration and organization; alternative dispute resolution; attorney admission and discipline; case management of mass tort litigation; miscellaneous and filing fees; the lawbook and library program; records management; places of holding court; methods of court reporting and court interpreting; and the operation of grand and petit juries.
- (c) Review initiatives on the development of electronic technologies for the courts for their effect on case management and the administration of justice, and make policy recommendations when appropriate.
- (d) Review matters affecting the operation of appellate, district and bankruptcy clerks' offices and make recommendations for changes in related administrative practices, federal rules, and legislation.
- (e) Review the staffing formulae for the appellate, district, and bankruptcy clerks' offices and recommend any revisions to such formulae to the Committee on Judicial Resources.
- (f) When the budget is being formulated, propose adequate funding and resources to support the programs within the committee's jurisdiction, taking into account the overall fiscal situation of the judiciary.

§ 430.30 Committee on Criminal Law

To oversee the federal probation and pretrial services system and review legislation and other issues relating to the administration of the criminal law.

- (a) Monitor and analyze for Judicial Conference consideration legislation affecting the administration of criminal justice.
- (b) Make recommendations to the Judicial Conference regarding exercise of the Judicial Conference's authority over sentencing institutes under [28 U.S.C. § 334](#).
- (c) Provide oversight of the implementation of sentencing guidelines and make recommendations to the Judicial Conference with regard to proposed amendments to the guidelines, including proposals that would increase their flexibility.
- (d) Make recommendations to the Judicial Conference in meeting its and the probation system's responsibilities to submit an annual report to the Sentencing Commission ([28 U.S.C. § 994\(o\)](#)).
- (e) Assure that working relationships are maintained and developed with the Department of Justice, Bureau of Prisons, United States Parole Commission, and United States Sentencing Commission, with respect to issues falling within the Committee's jurisdiction.
- (f) Propose to the Judicial Conference or Director of the AO, as appropriate, policies and standards on issues affecting the probation system, pretrial services, presentence investigation procedures, disclosure of presentence reports, sentencing and sentencing guidelines, supervision of offenders released on probation and parole and on supervised release, drug aftercare services, witness protection, and interdistrict transfer of offenders under supervision.
- (g) Recommend to the Committee on Judicial Resources standards of employment for employees in probation and pretrial services.
- (h) Monitor the workload and operations of probation and pretrial services offices and when the budget is being formulated, propose adequate funding and resources to support these operations, taking into account the overall fiscal situation of the judiciary. Review the staffing formulae for probation and pretrial services offices and recommend such formulae and any revisions to the Committee on Judicial Resources.

§ 430.33 Committee on Defender Services

To oversee the implementation of the Criminal Justice Act and other matters related to the criminal defense function.

- (a) Provide general policy guidance in interpretation and application of the Criminal Justice Act and related statutes, including approving non-controversial revisions to the Guidelines for the Administration of the Criminal Justice Act and Related Statutes, recommending approval to the Judicial Conference for other amendments to these guidelines, and reviewing and modifying forms used by the courts in administering the Act and related statutes.
- (b) Review and make recommendations to the Judicial Conference on policy concerning compensation and classification and qualification standards for federal public and community defender organizations.
- (c) Review and make recommendations to the Committee on Judicial Resources on staffing formulae and requirements for personnel in federal public and community defender organizations.
- (d) Make policy recommendations on initiatives related to the development of any voucher processing system, including the eVoucher program, that affect the provision of legal representation under the Criminal Justice Act.
- (e) Review budget and grant requests (including staffing) of federal public and community defender organizations, and approve appropriate amounts, subject to applicable Conference-approved formulae, policies, or standards.
- (f) Review the AO's fiscal reports concerning appointments and payments under the Criminal Justice Act.
- (g) Monitor, analyze, and propose for Judicial Conference consideration legislation affecting the appointment and compensation of counsel and, where appropriate, make recommendations to other Judicial Conference committees and to the Judicial Conference regarding issues which impact upon the defender services program.
- (h) Ensure, to the extent possible, adequate and appropriate substantive training of all persons providing representational services under the Criminal Justice Act.
- (i) Monitor the expenditure of Criminal Justice Act funds, advise the Judicial Conference (or other Conference committees, as appropriate) of developments in the defender services program which require additional

resources, and, when the budget is being formulated, propose adequate funding and resources to support the defender services program taking into account the overall fiscal situation of the judiciary.

§ 430.36 Committee on Federal-State Jurisdiction

To analyze proposed changes in federal jurisdiction and to serve as liaison with state courts.

- (a) Make recommendations on proposals regarding elimination, modification, or creation of new federal jurisdiction (including diversity).
- (b) Make recommendations concerning the creation of new courts; territorial, tribal, Native, or Indigenous issues; and revision of venue provisions.
- (c) Serve as the conduit for communication on matters of mutual concern among the federal judiciary, state courts, and tribal courts, and supporting organizations such as the National Center for State Courts, the Conference of Chief Justices, and the State Justice Institute.

§ 430.40 Committee on Financial Disclosure

To supervise the filing of financial disclosure reports by judicial officers and employees.

- (a) Review financial disclosure reports filed by judges and other judicial branch officers and employees, as required by the Ethics in Government Act, and respond to requests for redaction of such reports, consistent with the Regulations of the Judicial Conference of the United States on Access to Financial Disclosure Reports Filed by Judges and Judiciary Employees Under the Ethics in Government Act of 1978, as Amended.
- (b) Approve and modify reporting forms and instructions, as necessary.
- (c) Respond to inquiries regarding financial disclosure matters from judges, employees, and the public.

§ 430.43 Committee on Information Technology

To provide general policy recommendations, planning, and oversight of the judiciary information technology program.

- (a) Recommend to the Judicial Conference broad information technology goals, objectives, and priorities.
- (b) Develop and propose national policies which will promote the effective and efficient use of information technology in the courts, including those related to cybersecurity.

- (c) Coordinate matters related to cybersecurity policy with the Committee on Judicial Security, where cybersecurity vulnerabilities may present threats to physical security.
- (d) Coordinate the development of, and approve for submission to the Judicial Conference, the *Long Range Plan for Information Technology in the Federal Judiciary*.
- (e) Conduct ongoing evaluations of existing systems and make recommendations for changes, as necessary.
- (f) When the budget is being formulated, propose adequate funding and resources to support the information technology programs, including relevant education and training, electronic public access, and voice telecommunications programs, taking into account the overall fiscal situation of the judiciary. Make recommendations on information technology staffing issues to the Committee on Judicial Resources.

§ 430.46 Committee on Intercircuit Assignments

To assist the Chief Justice in assigning and designating Article III judges for service outside their circuits or national courts, and to advise the Judicial Conference on policy and other matters concerning intercircuit assignments of Article III judges, bankruptcy judges, and magistrate judges.

- (a) Review requests from chief circuit judges for the assignment of Article III judges from other circuits or national courts.
- (b) Receive or request offers from Article III judges to serve outside their circuits or national courts.
- (c) Recommend to the Chief Justice disposition of requests for and offers of Article III judicial assistance from other circuits or national courts.
- (d) Recommend for the approval of the Chief Justice guidelines governing the intercircuit assignments of Article III judges, and recommend for the approval of the Judicial Conference guidelines governing the intercircuit assignments of bankruptcy judges and magistrate judges.
- (e) Identify courts with excessive caseloads and provide information to those courts regarding the use of supplemental judgepower through both intracircuit and intercircuit assignments of visiting judges.

§ 430.50 Committee on International Judicial Relations

To coordinate the federal judiciary's relationship with foreign judiciaries and with official and unofficial agencies and organizations interested in international judicial relations, and the establishment and expansion of the rule of law and the administration of justice, and to make recommendations as appropriate to the Chief Justice, Judicial Conference of the United States, and other judicial entities.

- (a) Serve as a conduit for communication on matters of mutual concern between the Chief Justice, the Judicial Conference, the federal judiciary, and foreign courts and international judicial organizations.
- (b) Coordinate and respond to requests from foreign judges and court managers, and agencies representing their interests, and international organizations concerned with the rule of law and the administration of justice.
- (c) In cooperation with executive branch and private agencies, facilitate the development and administration of programs designed to assist foreign judges and court managers such as the translation and dissemination of materials about the United States and its judicial system.

§ 430.53 Committee on the Judicial Branch

To address problems affecting the judiciary as an institution and affecting the status of federal judicial officers.

- (a) Advise and make recommendations to the Judicial Conference on matters relating to judges' salaries, benefits, and other perquisites.
- (b) Review and advise the Judicial Conference on appropriate changes to the Travel Regulations for United States Justices and Judges.
- (c) Disseminate information and promote interest throughout the judiciary regarding the financial status of judges and the viability of the judicial office as a lifetime calling.
- (d) Study and report to the Judicial Conference on past, present, and possible future relationships with Congress, the executive branch, media, bar, and the general public.

§ 430.56 Committee on Judicial Conduct and Disability

To oversee the implementation of the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, consider petitions for review of final actions by circuit judicial councils on

complaints of misconduct or disability of federal judges, and review legislative proposals on judicial discipline and removal.

- (a) Consider petitions addressed to the Judicial Conference for review of circuit council actions on judicial conduct or disability complaints under [28 U.S.C. §§ 354\(b\)](#) and [357\(a\)](#).
- (b) Monitor periodically the administration of [28 U.S.C. §§ 351-364](#).
- (c) Provide advice and counsel to chief circuit judges and judicial councils regarding the implementation of [28 U.S.C. §§ 351-364](#), and serve as a liaison and clearinghouse for the circuits on their experiences regarding judicial conduct and disability complaints.
- (d) Maintain an orientation program for new chief circuit judges and a compendium of relevant materials to aid chief circuit judges, judicial councils, and circuit staff in implementing [28 U.S.C. §§ 351-364](#).
- (e) Recommend to the Judicial Conference procedural and substantive rules, regulations, and guidelines for the conduct of proceedings under [28 U.S.C. §§ 351-364](#), for promulgation pursuant to [28 U.S.C. §§ 331](#) and [358](#).
- (f) Study and periodically evaluate the experience of the circuits accumulated under [28 U.S.C. §§ 351-364](#), and related matters, coordinate the collection and analysis of relevant data incident to such studies, report to the Judicial Conference on circuit developments and experiences regarding judicial conduct and disability complaints, and develop for Conference consideration appropriate policy proposals, including recommendations for desirable legislative changes.
- (g) Monitor and report to the Judicial Conference on legislation in the area of judicial discipline, impeachment, and removal (excluding matters pertinent to the Code of Conduct for United States Judges).

§ 430.60 Committee on Judicial Resources

To consider all issues of human resource administration, including the need for additional Article III judges and support staff, and oversee the operation of statistical systems and the development of methodologies for human resource needs assessment and allocation.

- (a) Make recommendations to the Judicial Conference regarding Article III and Court of Federal Claims judgeship needs.
- (b) Oversee the Judiciary Salary Plan and the Court Personnel System.

- (c) Supervise, coordinate, and make recommendations to the Judicial Conference regarding all staffing formulae and requirements for personnel in circuit units, courts, chambers, and federal public and community defender organizations (other than bankruptcy judge, magistrate judge, federal public defender, and executive director of community defender organization positions).
- (d) Make policy recommendations to the Judicial Conference on non-information technology administrative and operational training needs, on funding for such training in the judiciary budget requests to the Congress, on the discharge of specific training-related responsibilities assigned to the Judicial Conference by the Congress, and on other matters related to employee development policy as the Judicial Conference may direct.
- (e) Make recommendations to the Judicial Conference on compensation policy and classification and qualification standards (other than for Article III and non-Article III judges and federal public and community defender organizations).
- (f) Review and recommend Judicial Conference approval of all other matters of human resource policy and administration such as background investigations (other than for bankruptcy judges and magistrate judges), leave administration, employment practices and procedures including employment dispute resolution, and all judiciary-wide benefit programs.
- (g) Facilitate support for Judicial Conference committees on human resource matters related to diversity, equity, and inclusion.
- (h) Oversee the operation of the statistical systems of the courts (to the extent not done by other committees), focusing in particular on the weighted caseload system and on reports of cases pending or under submission for long periods of time.
- (i) When the budget is being formulated, propose adequate funding and resources to support the programs within the committee's jurisdiction, taking into account the overall fiscal situation of the judiciary.

§ 430.63 Committee on Judicial Security

To review, monitor, and propose to the Judicial Conference policies regarding the security of the federal judiciary, including protection of court facilities and proceedings, and protection for judicial officers, other officers and employees of the judiciary, and any immediate family members of such persons, at federal court facilities and other locations, and protection of the personal information of judges and their immediate family members against public disclosure on the internet in ways that could pose a

security threat to those individuals. Make recommendations for changes as appropriate.

- (a) Review the provision of security services by the United States Marshals Service and the Department of Homeland Security, and make recommendations for changes where deemed advisable.
- (b) Coordinate relations of the United States Marshals Service, the Department of Justice in general, and the Department of Homeland Security with the United States courts and court security committees on security matters.
- (c) Analyze or prepare for Judicial Conference consideration proposed legislation affecting the security program.
- (d) Initiate studies and surveys concerning security matters.
- (e) Monitor the coordination of emergency preparedness in the judiciary, which includes crisis response and continuity-of-operations planning.
- (f) Coordinate and maintain a liaison with the Committee on Space and Facilities with respect to security arrangements, including measures for emergency preparedness, that involve court facilities.
- (g) Coordinate matters related to cybersecurity policy with the Committee on Information Technology, where cybersecurity vulnerabilities may present threats to physical security.
- (h) When the budget is being formulated, propose adequate funding and resources to support the security program, including education and training, taking into account the overall fiscal situation of the judiciary.

§ 430.66 Committee on the Administration of the Magistrate Judges System

To provide oversight of the federal magistrate judges system.

- (a) Review on a regular basis the need for and utilization of existing magistrate judge positions and the need for new positions, and make recommendations to the Judicial Conference for changes in magistrate judge positions, as necessary, including designations to serve in an adjoining district under [28 U.S.C. § 631\(a\)](#).
- (b) Review and make recommendations to the Judicial Conference (or, if another Conference committee has primary jurisdiction of the matter, to the appropriate committee) on the salaries and retirement benefits of

magistrate judges and the temporary assignment of magistrate judges under [28 U.S.C. § 636\(f\)](#).

- (c) Review and make recommendations to the Committee on Judicial Resources concerning staffing and support services for magistrate judges, and approve individual chambers staff positions for magistrate judges insofar as staff may be allocated on a case-by-case basis pursuant to established policy.
- (d) Review and make recommendations to the Judicial Conference on other matters relating specifically to the office of magistrate judge, including (but not limited to) the qualification standards for magistrate judges, the selection, appointment, and reappointment of magistrate judges, the recall of retired magistrate judges, the authority and utilization of magistrate judges, and the participation of magistrate judges in court administration and governance.
- (e) Review periodically the legal and administrative manuals for magistrate judges.
- (f) Maintain liaison with judges regarding the magistrate judges system.
- (g) When the budget is being formulated, propose adequate funding and resources to support the programs within the committee's jurisdiction, taking into account the overall fiscal situation of the judiciary.

§ 430.70 Committee on Rules of Practice and Procedure

To carry on a continuous study of the operation and effect of the general rules of practice and procedure. [For more information on federal rulemaking, **see:** [§ 440](#), below.]

- (a) Review reports and recommendations submitted by the five Advisory Committees and approve for publication, modify, disapprove or return those recommendations to the Advisory Committees, as appropriate.
- (b) Transmit to the Judicial Conference proposed rules and committee notes, and a summary that includes its own recommendations and explains any changes that it made.
- (c) Review and make recommendations to the Judicial Conference with regard to legislation affecting rules of practice and procedure.
- (d) Coordinate the work of the Advisory Committees, and make suggestions of proposals to be studied by them.

§ 430.73 Rules Advisory Committees

To study the rules of practice and procedure in each Advisory Committee's field.

- (a) Consider suggestions and recommendations for changes in the rules.
- (b) Draft proposed rules changes and committee notes and, when necessary, conduct public hearings thereon.
- (c) Submit to the Rules Committee those rule changes and committee notes recommended for approval, accompanied by a separate report of the comments received; an explanation of changes made after the original publication; and an explanation of competing considerations examined by the Advisory Committee.

§ 430.76 Committee on Space and Facilities

To review, monitor, and propose to the Judicial Conference policies regarding the judiciary's space and facilities requirements. Make recommendations for changes as appropriate.

- (a) Oversee long range planning for court facilities, including facilities for additional judgeships recommended by the Judicial Conference.
- (b) Coordinate and maintain a liaison with the Committee on Judicial Security with respect to physical security arrangements, including measures for emergency preparedness, that involve court facilities.
- (c) Review the provision of design, construction, and maintenance services for court facilities by the General Services Administration, and make recommendations for changes where deemed advisable.
- (d) Coordinate relations of the General Services Administration, the United States Marshals Service, the Department of Justice in general, and the Department of Homeland Security with the United States courts on space and facilities matters.
- (e) Analyze or prepare for Judicial Conference consideration proposed legislation affecting the space and facilities program.
- (f) Initiate studies and surveys concerning space and facilities matters.
- (g) Monitor use of, and propose revisions (and exceptions) to, the [U.S. Courts Design Guide \[Guide to Judiciary Policy, Vol. 16, Appx. 2A\]](#) and any other design publications such as alterations and courtroom technology manuals. Recommend standards governing furniture and furnishings.

- (h) When the budget is being formulated, propose adequate funding and resources to support the space and facilities program, including education and training, taking into account the overall fiscal situation of the judiciary. Oversee the budget and other cost-containment initiatives involving the space and facilities program.

§ 440 Procedures for Committees on Rules of Practice and Procedure

This section contains the “Procedures for the Judicial Conference’s Committee on Rules of Practice and Procedure and Its Advisory Rules Committees,” last amended in September 2011. [JCUS-SEP 2011](#), p. 35.

§ 440.10 Overview

The Rules Enabling Act, [28 U.S.C. §§ 2071–2077](#), authorizes the Supreme Court to prescribe general rules of practice and procedure and rules of evidence for the federal courts. Under the Act, the Judicial Conference must appoint a standing committee, and may appoint advisory committees to recommend new and amended rules. Section 2073 requires the Judicial Conference to publish the procedures that govern the work of the Committee on Rules of Practice and Procedure (the “Standing Committee”) and its advisory committees on the Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure and on the Evidence Rules. See [28 U.S.C. § 2073\(a\)\(1\)](#). These procedures do not limit the rules committees’ authority. Failure to comply with them does not invalidate any rules committee action. Cf. [28 U.S.C. § 2073\(e\)](#).

§ 440.20 Advisory Committees

§ 440.20.10 Functions

Each advisory committee must engage in “a continuous study of the operation and effect of the general rules of practice and procedure now or hereafter in use” in its field, taking into consideration suggestions and recommendations received from any source, new statutes and court decisions affecting the rules, and legal commentary. See [28 U.S.C. § 331](#).

§ 440.20.20 Suggestions and Recommendations

Suggestions and recommendations on the rules are submitted to the Secretary of the Standing Committee at the Administrative Office of the United States Courts, Washington, D.C. The Secretary will acknowledge the suggestions or recommendations and refer them to the appropriate advisory committee. If the Standing Committee takes formal action on them, that action will be reflected in the Standing Committee’s minutes, which are posted on the [judiciary’s rulemaking website](#).

§ 440.20.30 Drafting Rule Changes

(a) Meetings

Each advisory committee meets at the times and places that the chair designates. Advisory committee meetings must be open to the public, except when the committee — in open session and with a majority present — determines that it is in the public interest to have all or part of the meeting closed and states the reason. Each meeting must be preceded by notice of the time and place, published in the *Federal Register* and on the [judiciary's rulemaking website](#), sufficiently in advance to permit interested persons to attend.

(b) Preparing Draft Changes

The reporter assigned to each advisory committee should prepare for the committee, under the direction of the committee or its chair, draft rule changes, committee notes explaining their purpose, and copies or summaries of written recommendations and suggestions received by the committee.

(c) Considering Draft Changes

The advisory committee studies the rules' operation and effect. It meets to consider proposed new and amended rules (together with committee notes), whether changes should be made, and whether they should be submitted to the Standing Committee with a recommendation to approve for publication. The submission must be accompanied by a written report explaining the advisory committee's action and its evaluation of competing considerations.

§ 440.20.40 Publication and Public Hearings

(a) Publication

Before any proposed rule change is published, the Standing Committee must approve publication. The Secretary then arranges for printing and circulating the proposed change to the bench, bar, and public. Publication should be as wide as possible. The proposed change must be published in the *Federal Register* and on the [judiciary's rulemaking website](#). The Secretary must:

- (1) notify members of Congress, federal judges, and the chief justice of each state's highest court of the proposed change, with a link to the [judiciary's rulemaking website](#); and

- (2) provide copies of the proposed change to legal-publishing firms with a request to timely include it in publications.

(b) Public Comment Period

A public comment period on the proposed change must extend for at least six months after notice is published in the *Federal Register*, unless a shorter period is approved under paragraph (d) of this section.

(c) Hearings

The advisory committee must conduct public hearings on the proposed change unless eliminating them is approved under paragraph (d) of this section or not enough witnesses ask to testify at a particular hearing. The hearings are held at the times and places that the advisory committee's chair determines. Notice of the times and places must be published in the *Federal Register* and on the [judiciary's rulemaking website](#). The hearings must be transcribed. Whenever possible, a transcript should be produced by a qualified court reporter.

(d) Expedited Procedures

The Standing Committee may shorten the public comment period or eliminate public hearings if it determines that the administration of justice requires a proposed rule change to be expedited and that appropriate notice to the public can still be provided and public comment obtained. The Standing Committee may also eliminate public notice and comment for a technical or conforming amendment if the Committee determines that they are unnecessary. When an exception is made, the chair must advise the Judicial Conference and provide the reasons.

§ 440.20.50 Procedures After the Comment Period

(a) Summary of Comments

When the public comment period ends, the reporter must prepare a summary of the written comments received and of the testimony presented at public hearings. If the number of comments is very large, the reporter may summarize and aggregate similar individual comments, identifying the source of each one.

(b) Advisory Committee Review; Republication

The advisory committee reviews the proposed change in light of any comments and testimony. If the advisory committee makes substantial changes, the proposed rule should be republished for an additional period of public comment unless the advisory committee determines that

republishing would not be necessary to achieve adequate public comment and would not assist the work of the rules committees.

(c) Submission to the Standing Committee

The advisory committee submits to the Standing Committee the proposed change and committee note that it recommends for approval. Each submission must:

- (1) be accompanied by a separate report of the comments received;
- (2) explain the changes made after the original publication; and
- (3) include an explanation of competing considerations examined by the advisory committee.

§ 440.20.60 Preparing Minutes and Maintaining Records

(a) Minutes of Meetings

The advisory committee's chair arranges for preparing the minutes of the committee meetings.

(b) Records

The advisory committee's records consist of:

- written suggestions received from the public;
- written comments received from the public on drafts of proposed rules;
- the committee's responses to public suggestions and comments;
- other correspondence with the public about proposed rule changes;
- electronic recordings and transcripts of public hearings (when prepared);
- the reporter's summaries of public comments and of testimony from public hearings;
- agenda books and materials prepared for committee meetings;
- minutes of committee meetings;
- approved drafts of rule changes; and
- reports to the Standing Committee.

(c) Public Access to Records

The records must be posted on the [judiciary's rulemaking website](#), except for general public correspondence about proposed rule changes and electronic recordings of hearings when transcripts are prepared. This correspondence and archived records are maintained by the AO and are

available for public inspection. Minutes of a closed meeting may be made available to the public but with any deletions necessary to avoid frustrating the purpose of closing the meeting under [§ 440.20.30\(a\)](#).

§ 440.30 Standing Committee

§ 440.30.10 Functions

The Standing Committee's functions include:

- (a) coordinating the work of the advisory committees;
- (b) suggesting proposals for them to study;
- (c) considering proposals they recommend for publication for public comment; and
- (d) for proposed rule changes that have completed that process, deciding whether to accept or modify the proposals and transmit them with its own recommendation to the Judicial Conference, recommit them to the advisory committee for further study and consideration, or reject them.

§ 440.30.20 Procedures

- (a) Meetings

The Standing Committee meets at the times and places that the chair designates. Committee meetings must be open to the public, except when the Committee — in open session and with a majority present — determines that it is in the public interest to have all or part of the meeting closed and states the reason. Each meeting must be preceded by notice of the time and place, published in the *Federal Register* and on the [judiciary's rulemaking website](#), sufficiently in advance to permit interested persons to attend.

- (b) Attendance by the Advisory Committee Chairs and Reporters

The advisory committees' chairs and reporters should attend the Standing Committee meetings to present their committees' proposed rule changes and committee notes, to inform the Standing Committee about ongoing work, and to participate in the discussions.

- (c) Action on Proposed Rule Changes or Committee Notes

The Standing Committee may accept, reject, or modify a proposed change or committee note, or may return the proposal to the advisory committee with instructions or recommendations.

(d) Transmission to the Judicial Conference

The Standing Committee must transmit to the Judicial Conference the proposed rule changes and committee notes that it approves, together with the advisory committee report. The Standing Committee's report includes its own recommendations and explains any changes that it made.

§ 440.30.30 Preparing Minutes and Maintaining Records

(a) Minutes of Meetings

The Secretary prepares minutes of Standing Committee meetings.

(b) Records

The Standing Committee's records consist of:

- the minutes of Standing Committee and advisory committee meetings;
- agenda books and materials prepared for Standing Committee meetings;
- reports to the Judicial Conference; and
- official correspondence about rule changes, including correspondence with advisory committee chairs.

(c) Public Access to Records

The records must be posted on the judiciary's rulemaking website, except for official correspondence about rule changes. This correspondence and archived records are maintained by the AO and are available for public inspection. Minutes of a closed meeting may be made available to the public but with any deletions necessary to avoid frustrating the purpose of closing the meeting under [§ 440.30.20\(a\)](#).