

Final Report of the Special
Committee on Evidence

To the standing Committee on Rules of Practice and Procedure of the
Judicial Conference of the United States:

The special Committee on Evidence met in the Supreme Court
Building on January 17, 1963. The following members were present:

James Wm. Moore, Chairman
Dean Acheson
Phillip Forman
Walter L. Pope

Others attending were Albert B. Maris, Chairman of the
standing Committee on Rules of Practice and Procedure; Dean Mason
Ladd and Peyton Ford, members of the standing Committee; Aubrey
Gasque, Executive Secretary of the Rules Committee; Will Shafroth
and Joseph F. Spaniol, Jr., of the Administrative Office of the
United States Courts; Thomas F. Green, Jr., Reporter of the special
Evidence Committee and Howard P. Fink, Assistant to the Reporter.

The Committee considered the replies which have been re-
ceived from the bench and bar in response to the Preliminary Re-
port of February 1962.

The deliberations of the Committee were directed princi-
pally to the feasibility and desirability of having evidence rules
which would be uniform throughout the Federal Court system; and

whether the existing statutory authority was sufficient to encompass the promulgation of such rules.

After full discussion of the views of those present, and of the comments received, it was decided that the time has now arrived for an advisory committee to be formed to go forward with the task of drafting such rules. Moreover, it was the view of the Committee that existing statutory authority under the Rule-making Act encompasses the promulgation of evidence rules for the Federal courts, and that further legislative action was not needed.

The Committee voted unanimously that:

"1. Rules of evidence applied in the Federal courts should be improved; and

2. Rules of evidence, which would be uniform throughout the Federal court system, are both advisable and feasible."

It was the consensus of the Committee that an advisory committee on evidence should be broadly representative of all segments of the profession, and that the size of such a committee should approximate that of the Advisory Committee on Civil Rules.

The special Committee on Evidence, having completed its assigned task, respectfully submits this, its final report, and asks to be discharged.

Dean Acheson
Phillip Forman
* John C. Pickett
Walter L. Pope
E. Barrett Prettyman
James Wm Moore, Chairman

* Judge Pickett has expressed himself as in favor of the appointment of an advisory committee to draft rules of evidence but was not available for consideration of the committee report.