

Proposed Changes to Federal Time Computation Rules

On March 26, 2009, the Supreme Court of the United States approved proposed amendments on the computation of time under the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure. The principal simplifying change to the time computation rules in the proposed amendments is a “days are days” approach to computing all time periods in each set of rules, counting intermediate weekend days and holidays. Under the present rules, intermediate weekend days and holidays are sometimes counted and sometimes not. To further simplify time computation, most periods shorter than 30 days are changed to multiples of 7 days (7, 14, 21, or 28 days) so that deadlines will usually fall on weekdays. The proposed amendments add clarity by addressing forward and backward counting periods and addressing concepts raised by electronic filing, such as the “inaccessibility” of the clerk’s office and when does a day “end.” These amendments replace the inconsistent and often unclear approach of the existing rules. The specific rules for which time computation changes are proposed include:

- Appellate Rules 4, 5, 6, 10, 12, 15, 19, 25, 26, 27, 28.1, 30, 31, 39, and 41;
- Bankruptcy Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033;
- Civil Rules 6, 12, 14, 15, 23, 27, 32, 38, 50, 52, 53, 54, 55, 56, 59, 62, 65, 68, 71.1, 72, and 81;
- Supplemental Rules B, C, and G; and Illustrative Civil Forms 3, 4, and 60; and

- Criminal Rules 5.1, 7, 12.1, 12.3, 29, 33, 34, 35, 41, 45, 47, 58, 59, and Rule 8 of the Rules Governing §§ 2254 and 2255 Cases.

The amendments to the time computation rules will be transmitted to Congress in accordance with the Rules Enabling Act and will take effect on December 1, 2009, unless Congress enacts legislation to reject, modify, or defer the amendments. Congress has not taken such action very frequently in the past, so the rules are expected to go into effect as written on December 1, 2009. The amendments may be accessed at www.uscourts.gov/rules/supct0309.html.

The Local Rules for the United States District Court for the District of Oregon are expected to change to conform to these new changes, as well as to conform to earlier changes made to the Federal Rules of Civil Procedure. The changes to the Local Rules are currently expected to go into effect on or around December 1, 2009. More detail on the time computation rule changes in the Federal Rules of Civil Procedure and the Local Rules for the District of Oregon will be given in the November issue of *In Brief*.

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