

ORDER ADOPTING REVISED RULES OF THE  
SUPREME COURT OF THE  
UNITED STATES.

MONDAY, APRIL 12, 1954.

The revision of the Rules of this Court has been this day lodged with the Clerk, and it is ordered that the said Rules shall become effective July 1, 1954, and be printed as an appendix to the United States Reports.

It is further ordered that the Rules promulgated February 13, 1939, appearing in volume 306 of the United States Reports, appendix, and all amendments thereof be and they hereby are rescinded, but this shall not affect any proper action taken under them before the Rules hereby adopted become effective.

A general idea of the Bar's appraisal of the needs and possibilities for changes in the form and content of the Rules was obtained from the following gentlemen:

Warner W. Gardner, Esq., of the District of Columbia Bar

Henry M. Hart, Esq., of Cambridge, Massachusetts, Professor of Law at Harvard University

Charles A. Horsky, Esq., of the District of Columbia Bar

James Wm. Moore, Esq., of New Haven, Connecticut, Professor of Law at Yale University

Robert L. Stern, Esq., of Washington, D. C., at the time Acting Solicitor General

Herbert Wechsler, Esq., of New York City, Professor of Law at Columbia University

Frederick Bernays Wiener, Esq., of the District of Columbia Bar

Harold B. Willey, Esq., Clerk of the Supreme Court of the United States.

The Court expresses its high appreciation of the services of all the gentlemen named. Their expert knowledge and painstaking collaboration have aided the Court in the formulation of Rules designed to promote the simplification of procedure in this Court.

Special mention must be made of the services of Mr. Wiener who, for more than a year, as Reporter to the Committee of the Court on the Revision of the Rules, devoted himself to the preparation of drafts for the Committee.

We acknowledge, also, our indebtedness to our Clerk, Mr. Willey, for the experience and skill he contributed to the work of draftsmanship.

The Court directs that this order be spread upon the Journal of the Court.

MR. JUSTICE BLACK:

The revised rules contain some changes made necessary by legislation, with which I am of course in accord. There are also a few other changes which I think represent desirable improvements. But I believe it would be far better to make these changes simply by amending the old rules rather than by adopting a whole new set. The old rules and our interpretations of them are familiar to the bar, and, according to my observation, work about as well as could be expected of any rules. The principal function of procedural rules should be to serve as useful guides to help, not hinder, persons who have a legal right to bring their problems before the courts. But new rules without settled meanings breed mistakes and controversies that frequently make the way of litigants unnecessarily perilous. Volumes of new Rules Decisions in recent years attest to this. Judicial statistics would show, I fear, an unfortunately large number of meritorious cases lost due to inadvertent failure of lawyers to conform to procedural prescriptions having little if any relevancy to substantial justice. So much for my general objection to frequent, sweeping rules revisions.

I particularly object to the present revision because a number of the changes put unnecessarily burdensome conditions and restrictions on rights of review and appeal Congress has provided. Our rules should make appellate review easier, not harder.

Finally, I have never favored the almost insuperable obstacles our rules put in the way of briefs sought to be filed by persons other than the actual litigants. Most of the cases before this Court involve matters that affect far more people than the immediate record parties. I think the public interest and judicial administration would be better served by relaxing rather than tightening the rule against *amicus curiae* briefs.

