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AMENDMENTS TO  
FEDERAL RULES OF CIVIL PROCEDURE

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The following amendments to the Federal Rules of Civil Procedure were prescribed by the Supreme Court of the United States on April 27, 1995, pursuant to 28 U. S. C. §2072, and were reported to Congress by THE CHIEF JUSTICE on the same date. For the letter of transmittal, see *post*, p. 1152. The Judicial Conference report referred to in that letter is not reproduced herein.

Note that under 28 U. S. C. §2074, such amendments shall take effect no earlier than December 1 of the year in which they are transmitted to Congress unless otherwise provided by law.

For earlier publication of the Federal Rules of Civil Procedure and amendments thereto, see 308 U. S. 645, 308 U. S. 642, 329 U. S. 839, 335 U. S. 919, 341 U. S. 959, 368 U. S. 1009, 374 U. S. 861, 383 U. S. 1029, 389 U. S. 1121, 398 U. S. 977, 401 U. S. 1017, 419 U. S. 1133, 446 U. S. 995, 456 U. S. 1013, 461 U. S. 1095, 471 U. S. 1153, 480 U. S. 953, 485 U. S. 1043, 500 U. S. 963, and 507 U. S. 1089.

LETTER OF TRANSMITTAL

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SUPREME COURT OF THE UNITED STATES  
WASHINGTON, D. C.

APRIL 27, 1995

*To the Senate and House of Representatives of the United States of America in Congress Assembled:*

By direction of the Supreme Court of the United States, I have the honor to submit to the Congress the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code. To maintain uniformity between revised and unrevised Rules, the Court has edited the amendments transmitted to the Supreme Court by the Judicial Conference of the United States to use the word “shall” in a consistent manner. In addition, the Court has restored the word “made” to the last sentence of Fed. R. Civ. P. 83(a)(1) to keep that Rule consistent with Fed. R. Crim. P. 57(c).

The rules are accompanied by an excerpt from the report of the Judicial Conference of the United States’ Committee on Rules of Practice and Procedure and that Committee’s Advisory Committee Notes. In order to minimize confusion, a footnote noting the changes made by the Supreme Court has been added to the marked-up version of the proposed amendments that accompanies the Advisory Committee Notes.

Sincerely,

(Signed) WILLIAM H. REHNQUIST  
*Chief Justice of the United States*

SUPREME COURT OF THE UNITED STATES

APRIL 27, 1995

ORDERED:

1. That the Federal Rules of Civil Procedure for the United States District Courts be, and they hereby are, amended by including therein amendments to Civil Rules 50, 52, 59, and 83.

[See *infra*, pp. 1155–1157.]

2. That the foregoing amendments to the Federal Rules of Civil Procedure shall take effect on December 1, 1995, and shall govern all proceedings in civil cases thereafter commenced and, insofar as just and practicable, all proceedings in civil cases then pending.

3. That THE CHIEF JUSTICE be, and hereby is, authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Civil Procedure in accordance with the provisions of Section 2072 of Title 28, United States Code.

AMENDMENTS TO THE FEDERAL RULES  
OF CIVIL PROCEDURE

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*Rule 50. Judgment as a matter of law in jury trials; alternative motion for new trial; conditional rulings.*

(b) *Renewing motion for judgment after trial; alternative motion for new trial.*—If, for any reason, the court does not grant a motion for judgment as a matter of law made at the close of all the evidence, the court is considered to have submitted the action to the jury subject to the court’s later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after entry of judgment—and may alternatively request a new trial or join a motion for a new trial under Rule 59. In ruling on a renewed motion, the court may:

(1) if a verdict was returned:

- (A) allow the judgment to stand,
  - (B) order a new trial, or
  - (C) direct entry of judgment as a matter of law;
- or

(2) if no verdict was returned:

- (A) order a new trial, or
- (B) direct entry of judgment as a matter of law.

(c) *Granting renewed motion for judgment as a matter of law; conditional rulings; new trial motion.*

(2) Any motion for a new trial under Rule 59 by a party against whom judgment as a matter of law is ren-

dered shall be filed no later than 10 days after entry of the judgment.

*Rule 52. Findings by the court; judgment on partial findings.*

(b) *Amendment.*—On a party’s motion filed no later than 10 days after entry of judgment, the court may amend its findings—or make additional findings—and may amend the judgment accordingly. The motion may accompany a motion for a new trial under Rule 59. When findings of fact are made in actions tried without a jury, the sufficiency of the evidence supporting the findings may be later questioned whether or not in the district court the party raising the question objected to the findings, moved to amend them, or moved for partial findings.

*Rule 59. New trials; amendment of judgments.*

(b) *Time for motion.*—Any motion for a new trial shall be filed no later than 10 days after entry of the judgment.

(c) *Time for serving affidavits.*—When a motion for new trial is based on affidavits, they shall be filed with the motion. The opposing party has 10 days after service to file opposing affidavits, but that period may be extended for up to 20 days, either by the court for good cause or by the parties’ written stipulation. The court may permit reply affidavits.

(d) *On court’s initiative; notice; specifying grounds.*—No later than 10 days after entry of judgment the court, on its own, may order a new trial for any reason that would justify granting one on a party’s motion. After giving the parties notice and an opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. When granting a new trial on its own initiative or for a reason not stated in a motion, the court shall specify the grounds in its order.

(e) *Motion to alter or amend judgment.*—Any motion to alter or amend a judgment shall be filed no later than 10 days after entry of the judgment.

*Rule 83. Rules by district courts; judge's directives.*

(a) *Local rules.*

(1) Each district court, acting by a majority of its district judges, may, after giving appropriate public notice and an opportunity for comment, make and amend rules governing its practice. A local rule shall be consistent with—but not duplicative of—Acts of Congress and rules adopted under 28 U. S. C. §§ 2072 and 2075, and shall conform to any uniform numbering system prescribed by the Judicial Conference of the United States. A local rule takes effect on the date specified by the district court and remains in effect unless amended by the court or abrogated by the judicial council of the circuit. Copies of rules and amendments shall, upon their promulgation, be furnished to the judicial council and the Administrative Office of the United States Courts and be made available to the public.

(2) A local rule imposing a requirement of form shall not be enforced in a manner that causes a party to lose rights because of a nonwillful failure to comply with the requirement.

(b) *Procedures when there is no controlling law.*—A judge may regulate practice in any manner consistent with federal law, rules adopted under 28 U. S. C. §§ 2072 and 2075, and local rules of the district. No sanction or other disadvantage may be imposed for noncompliance with any requirement not in federal law, federal rules, or the local district rules unless the alleged violator has been furnished in the particular case with actual notice of the requirement.