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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 11, 1997, 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. 1306. 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, 507 U.S. 1089, 514 U.S. 1151, and 517 U.S. 1279.

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LETTER OF TRANSMITTAL

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

APRIL 11, 1997

*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.

Accompanying these rules are excerpts from the report of the Judicial Conference of the United States containing the Advisory Committee Notes submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.

Sincerely,

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

SUPREME COURT OF THE UNITED STATES

APRIL 11, 1997

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 9 and 73, and abrogation of Rules 74, 75, and 76, and amendments to Forms 33 and 34.

[See *infra*, pp. 1309–1311.]

2. That the foregoing amendments to the Federal Rules of Civil Procedure shall take effect on December 1, 1997, 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 9. Pleading special matters.*

(h) *Admiralty and maritime claims.*—A pleading or count setting forth a claim for relief within the admiralty and maritime jurisdiction that is also within the jurisdiction of the district court on some other ground may contain a statement identifying the claim as an admiralty or maritime claim for the purposes of Rules 14(c), 38(e), 82, and the Supplemental Rules for Certain Admiralty and Maritime Claims. If the claim is cognizable only in admiralty, it is an admiralty or maritime claim for those purposes whether so identified or not. The amendment of a pleading to add or withdraw an identifying statement is governed by the principles of Rule 15. A case that includes an admiralty or maritime claim within this subdivision is an admiralty case within 28 U. S. C. § 1292(a)(3).

*Rule 73. Magistrate judges; trial by consent and appeal.*

(a) *Powers; procedure.*— . . . A record of the proceedings shall be made in accordance with the requirements of Title 28, U. S. C. § 636(c)(5).

(c) *Appeal.*—In accordance with Title 28, U. S. C. § 636(c)(3), appeal from a judgment entered upon direction of a magistrate judge in proceedings under this rule will lie to the court of appeals as it would from a judgment of the district court.

*[(d) Optional appeal route.] (Abrogated.)*

*[Rule 74. Method of appeal from magistrate judge to district judge under Title 28, U. S. C. § 636(c)(4) and Rule 73(d).] (Abrogated.)*

*[Rule 75. Proceedings on appeal from magistrate judge to district judge under Rule 73(d).] (Abrogated.)*

*[Rule 76. Judgment of the district judge on the appeal under Rule 73(d) and costs.] (Abrogated.)*

APPENDIX OF FORMS

FORM 33. NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO  
EXERCISE JURISDICTION

. . . . .

An appeal from a judgment entered by a magistrate judge may be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Copies of the Form for the “Consent to Jurisdiction by a United States Magistrate Judge” are available from the clerk of the court.

FORM 34. CONSENT TO EXERCISE OF JURISDICTION BY A UNITED  
STATES MAGISTRATE JUDGE

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CONSENT TO JURISDICTION BY A UNITED STATES  
MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. § 636(c), the undersigned party or parties to the above-captioned civil matter hereby voluntarily consent to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.

_____	_____
<i>Date</i>	<i>Signature</i>

Note: Return this form to the Clerk of the Court if you consent to jurisdiction by a magistrate judge. Do not send a copy of this form to any district judge or magistrate judge.