
AMENDMENTS TO FEDERAL RULES OF CIVIL PROCEDURE

The following amendments to the Federal Rules of Civil Procedure were prescribed by the Supreme Court of the United States on April 23, 2001, 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. 1086. 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, 517 U.S. 1279, 520 U.S. 1305, 523 U.S. 1221, 526 U.S. 1183, and 529 U.S. 1155.

LETTER OF TRANSMITTAL

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

APRIL 23, 2001

*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 Committee Notes submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.

The Supreme Court also approved the abrogation of the Rules for Practice and Procedure under section 25 of an Act to Amend and Consolidate the Acts Respecting Copyright promulgated by the Court on June 1, 1909.

Sincerely,

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

SUPREME COURT OF THE UNITED STATES

APRIL 23, 2001

ORDERED:

1. That the Federal Rules of Civil Procedure be, and they hereby are, amended by including therein amendments to Civil Rules 5, 6, 65, 77, 81, and 82.

[See *infra*, pp. 1089–1091.]

2. That the foregoing amendments to the Federal Rules of Civil Procedure shall take effect on December 1, 2001, and shall govern in all proceedings in civil cases thereafter commenced and, insofar as just and practicable, all proceedings 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.

4. That the Rules for Practice and Procedure under section 25 of An Act To Amend and Consolidate the Acts Respecting Copyright, approved March 4, 1909, promulgated by this Court on June 1, 1909, effective July 1, 1909, as revised, be, and they hereby are, abrogated, effective December 1, 2001.

AMENDMENTS TO THE FEDERAL RULES
OF CIVIL PROCEDURE

Rule 5. Service and filing of pleadings and other papers.

(b) Making service.

(1) Service under Rules 5(a) and 77(d) on a party represented by an attorney is made on the attorney unless the court orders service on the party.

(2) Service under Rule 5(a) is made by:

(A) Delivering a copy to the person served by:

(i) handing it to the person;

(ii) leaving it at the person's office with a clerk or other person in charge, or if no one is in charge leaving it in a conspicuous place in the office; or

(iii) if the person has no office or the office is closed, leaving it at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

(B) Mailing a copy to the last known address of the person served. Service by mail is complete on mailing.

(C) If the person served has no known address, leaving a copy with the clerk of the court.

(D) Delivering a copy by any other means, including electronic means, consented to in writing by the person served. Service by electronic means is complete on transmission; service by other consented means is complete when the person making service delivers the copy to the agency designated to make delivery. If authorized by local rule, a party may make service under this subparagraph (D) through the court's transmission facilities.

(3) Service by electronic means under Rule 5(b)(2)(D) is not effective if the party making service learns that

the attempted service did not reach the person to be served.

Rule 6. Time.

(e) *Additional time after service under Rule 5(b)(2)(B), (C), or (D).*—Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party under Rule 5(b)(2)(B), (C), or (D), 3 days shall be added to the prescribed period.

Rule 65. Injunctions.

(f) *Copyright impoundment.*—This rule applies to copyright impoundment proceedings.

Rule 77. District courts and clerks.

(d) *Notice of orders or judgments.*—Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry in the manner provided for in Rule 5(b) upon each party who is not in default for failure to appear, and shall make a note in the docket of the service. Any party may in addition serve a notice of such entry in the manner provided in Rule 5(b) for the service of papers. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as permitted in Rule 4(a) of the Federal Rules of Appellate Procedure.

Rule 81. Applicability in general.

(a) *Proceedings to which the Rules apply.*

(1) These rules do not apply to prize proceedings in admiralty governed by Title 10, U. S. C., §§ 7651–7681. They do apply to proceedings in bankruptcy to the

extent provided by the Federal Rules of Bankruptcy Procedure.

.

Rule 82. Jurisdiction and venue unaffected.

These rules shall not be construed to extend or limit the jurisdiction of the United States district courts or the venue of actions therein. An admiralty or maritime claim within the meaning of Rule 9(h) shall not be treated as a civil action for the purposes of Title 28, U. S. C., §§ 1391–1392.