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THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

NOTICE

On November 8, 1943, the New York Law Journal published the following amendment to Rule 22 of the Rules of the United States Circuit Court of Appeals for the Second Circuit:

IN RE AN AMENDMENT TO RULE 22 OF THE RULES OF THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

It is hereby ordered that Rule 22 of the Rules of the United States Circuit Court of Appeals for the Second Circuit be, and the same hereby is, amended so as to read as follows:

RULE 22—PRINTING RECORDS.

1. On an appeal in a civil or criminal action, on a petition to review an order of the Tax Court of the United States, or on a petition to review, or for the enforcement of, the order of any administrative tribunal, the appellant or petitioner, unless otherwise ordered by the court, shall print from the record filed in the clerk's office, prepared in accordance with Rule 13 of this court and with Rule 75(g) of the Rules of Civil Procedure (or with any other applicable provision of law when Rule 75(g) does not apply), the judgment, decree or order appealed from or sought to be reviewed or enforced, the opinion, the findings of fact and conclusions of law of the court or administrative agency, the charge of the court, if any, and the statement required in Rule 13(4).

2. Within ten days after the record is filed, the appellant or petitioner shall serve upon the appellee or respondent, a designation of any additional parts of the record which he thinks it necessary to print in order fairly to present the questions on appeal; and within thirty days after the record is filed, he shall print and file with the clerk and serve upon the appellee or respondent, with his brief, those parts of the record required to be printed by subdivision one of this rule, together with those parts of the record which he has so designated. Within twenty days thereafter the appellee or respondent shall print and file with the clerk, and serve upon

the appellant or petitioner, with his brief, any other parts of the record which he thinks similarly necessary. At least one day before the argument, the appellant or petitioner shall print and file with the clerk and serve upon the appellee or respondent, with his reply brief, any further parts of the record which he thinks have become necessary because of those parts printed by the appellee or respondent.

3. The parts so printed shall be known as the appendices of the briefs, and may be bound either with them, or separately, as is more convenient. Each appendix shall contain an index of the names of the witnesses and of the papers printed, and the printed pages shall contain references to those pages of the record on file from which they have been copied. In the case of testimony the fact that parts have been omitted shall be indicated by asterisks. The appendices shall not be counted as pages of the brief under Rule 23, subdivision 2(3).

4. No parts of the record need be printed except those mentioned in subdivision one of this rule.

5. Each party shall in the first instance pay for the printing of those parts of the record which he prints, but the amounts paid will be included as taxable disbursements, unless the court otherwise orders.

6. Twenty-four copies of the appendices and fifteen copies of the brief shall be filed with the clerk, and three copies served upon opposing counsel.

7. For cause shown, the court may dispense with the printing of any part of the record or of the briefs, and review the proceedings on the typewritten record and on typewritten briefs.

By order of the court.

Since this rule excited considerable discussion among members of the Admiralty Bar, Judge Learned Hand was requested to hold a conference for discussion of the rule, and such a meeting was held on the afternoon of January 20, 1944, at Judge Hand's Chambers. It was attended by a considerable number of the members of the Admiralty Bar. Judge Hand stated that the rule was applicable to admiralty cases and was intended to afford an optional and alternative method of preparing records on appeal but that, where counsel preferred to continue under the practice previously prevailing with respect to records on appeal, they were at liberty to do so.