



07-AP-D

07-BK-H

07-CR-D

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07-CV-C

January 25, 2008

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Secretary  
Committee on Rules of Practice  
and Procedure  
Administrative Office of the  
United States Courts  
Washington, D.C. 20544

**Re: Proposed Federal Rules Published August 15, 2007**

To Whom It May Concern:

William B Gess  
(1906-1985)  
John G Atchison, Jr  
(1924-2002)  
Jack F Mattingly  
(1921-2006)

I appreciate and applaud the work of the Judicial Conference Advisory Committee in proposing changes to the federal rules relating to time periods and time computation. In general, I support these changes. However, there is one issue with the proposed rules which I wanted to bring to your attention for your further consideration.

Special Counsel  
James E Keller

Most people today would agree that a day begins at midnight and ends at 11:59:59 p.m. local time. Several of the proposed rules define the "last day" for electronic filing or other purposes as ending "at midnight." I think this is an error. I believe these rules instead should state "at 11:59:59 p.m." rather than "at midnight." This would affect FRCP 6(a)(4)(A), FRCrP 45(a)(4)(A), FRAP 26(a)(4)(A) and (B), and FRBP 9006(a)(4)(A) and perhaps others. May I suggest that you review all of the proposed rules where the word "midnight" appears to be sure it is being used correctly? Otherwise, I fear there may be a lot of confusion about filing deadlines. If a filing deadline is midnight of a particular day, for practical purposes that would mean the deadline is actually the day (or evening) before the particular day.

Of Counsel  
William R Hillard Jr  
Charles G Wylie

Again, thank you for the important work that you do.

Kind regards,

Stephen P. Stoltz

SPS:mcf

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