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June 8, 1993

Honorable John F. Gerry
Chief Judge, United States
District Court
P.O. Box 588
Camden, New Jersey 08101-0588

Re: Special Masters under Rule 53, Federal Rules of Civil Procedure

Dear Judge Gerry:

I am writing to follow up on the recommendation, in your district's civil justice expense and delay reduction plan, that Civil Rule 53 be amended to allow greater flexibility in the use of special masters to oversee discovery in complex litigation.

At its meeting on May 3-5, 1993, in Washington, D.C., the Advisory Committee on Civil Rules considered the impact of the Rule 53(b) requirement that references to special masters be "the exception and not the rule," and discussed whether it unduly restricts individual courts' ability to manage various non-trial proceedings. Based on that discussion, the advisory committee decided to explore further the possibility of amending the Civil Rules (whether in Rule 53 or elsewhere) to make express the court's authority to refer to special masters such matters as pretrial conferences, discovery proceedings, and settlements. The next meeting of the advisory committee will occur on October 21-23, 1993, in San Francisco, California.

We appreciate your interest in the rulemaking process.

Sincerely,



Peter G. McCabe
Secretary

