

New Federal Maritime Commission Practice Rules



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The Federal Maritime Commission filed a final rule amending its Rules of Practice and Procedure (FMC Rules), which will be published on October 10, 2012, and become effective on November 12, 2012. With the stated purpose of modernizing the rules and streamlining proceedings, the Commission largely tracked amendments proposed in its March 1, 2012 notice of proposed rulemaking. Among other things, the amendments modestly increase the time period for completion of discovery (to 150 days post-answer), but place new requirements and limits on discovery and pre-hearing practice. Initial disclosure of certain information will be required early-on in proceedings. The number of depositions and interrogatories will be limited to 20 and 50 per party, respectively. The changes will also impose page limits and shorter time limits for motions. Non-dispositive motions will be limited to 10 pages, with responses due within seven days, with no right of reply. Dispositive motions will be limited to 30 pages, with responses due within 15 days. A new right of reply will be permitted for dispositive motions, limited to 15 pages and due within seven days of an opposing response. The new FMC Rules will have implications for FMC practice generally, including expanding the “meet and confer” requirements to all non-dispositive motions and changing certain complaint and motion filing requirements. Practitioners are encouraged to review the amendments to the FMC Rules, posted [here](#) (pre-Federal Register publication version).

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