

Proposed Amendments to Rule 61

Rule 61 is amended as follows:

Rule 61. Harmless Error

[No] **Unless justice requires otherwise, no** error in [~~either the admission or the exclusion of~~] **admitting or excluding** evidence [~~and no error or defect in any ruling or order or in anything done or omitted~~] -- **or any other error** by the court or [~~by any of the parties~~] **a party** -- is ground for granting a new trial [~~or~~], for setting aside a verdict, or for vacating, modifying, or otherwise disturbing a judgment or order [~~, unless refusal to take such action appears to the court inconsistent with substantial justice. The court at~~]. **At** every stage of the proceeding, **the court** must disregard [~~any error or defect in the proceeding which does~~] **all errors and defects that do** not affect [the] **any party's** substantial rights [~~of the parties~~].

(As amended _____, 2008, eff. _____, 2009.)

Advisory Committee Note

Rule 61 has been amended to conform stylistically to the 2007 amendments to the Fed. R. Civ. P.