

Proposed Amendments to Rule 87

Rule 87 is amended as follows:

Rule 87. Forms **Civil Rules Emergency**

~~The forms in the Appendix suffice under these rules and illustrate the simplicity and brevity that these rules contemplate.~~

(a) Conditions for an Emergency.

(1) The chief judge may declare a Civil Rules emergency if the court determines that extraordinary circumstances relating to public health or safety, or affecting physical or electronic access to the court, substantially impair the court's ability to perform its functions in compliance with these rules.

(2) Upon designation of the United States Court of International Trade as affected by a Civil Rules emergency declared by the Judicial Conference of the United States pursuant to Rule 87 of the Federal Rules of Civil Procedure, the emergency rules outlined in subsection (c) will take effect.

(b) Declaring an Emergency.

(1) Content. The declaration:

(A) adopts all the emergency rules in Rule 87(c) unless it excepts one or more of them; and

(B) must be limited to a stated period of no more than 90 days.

(2) Early termination. The chief judge may terminate a declaration before the termination date.

(3) Additional declarations. The chief judge may issue additional declarations under this rule.

(c) Emergency Rules.

(1) Emergency Rules 4(d), (g)(1), (h), and (i)(2) and for serving a minor incompetent person. The court may by order authorize service on a defendant described in Rule 4(d), (g)(1), (h), or (i)(2)—or on a minor or incompetent person in a judicial district of the United States—by a method that is reasonably calculated to give notice. A method of service may be completed under the order after the declaration ends unless the court, after notice and an opportunity to be heard, modifies or rescinds the order.

(2) Emergency Rule 6(b)(2).

(A) Extension of Time to File Certain Motions. The court may, by order, apply Rule 6(b)(1)(A) to extend for a period of no more than 30 days after an entry of the order the time to act under Rules 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(b).

(B) Effect on Time to Appeal. Unless the time to appeal would otherwise be longer:

(i) if the court denies an extension, the time to file an appeal runs for all parties from the date the order denying the motion to extend is entered;

(ii) if the court grants an extension, a motion authorized by the court and filed within the extended period is, for purposes of Appellate Rule 4(a)(4)(A), filed "within the time allowed by" the Federal Rules of Civil Procedure; and

(iii) if the court grants an extension and no motion authorized by the court is made within the extended period, the time to file an appeal runs for all parties from the expiration of the extended period.

(C) **Declaration Ends.** An act authorized by an order under this emergency rule may be completed under the order after the emergency declaration ends.

(Added Oct. 3, 1984, eff. Jan. 1, 1985; and amended Nov. 25, 2009, eff. Jan. 1, 2020; _____, 2025, eff. _____, 2025.)

Advisory Committee Note

Rule 87 has been amended to conform to the current version of the Federal Rules of Civil Procedure. After the Federal Rule of Civil Procedure was amended in December 2023, the Advisory Committee considered whether a corresponding amendment was appropriate for the CIT's Rules. The Advisory Committee recommends adopting new FRCP 87 into the CIT Rules subject to certain minor differences due to the CIT's jurisdiction and minor numbering differences between the FRCP rules and the CIT's rules that are cross-referenced in FRCP 87.