05-BK- 002

JACK E. HORSLEY, J.D.
LAWYER / AUTHOR
FELLOW AMERICAN COLLEGE OF TRIAL LAWYERS
05-CV- 006 913 NORTH 31ST STREET • MATTOON, ILLINOIS 61938-2271
(217) 235-5954
GENERAL, JAGD (HON. RES. [RET.])
SEE WHO'S WHO IN AMERICA AND
WHO'S WHO IN AMERICAN LAW
WHO'S WHO IN THE WORLD
05-CR- 004
CABLE: JALEY
EDITORIAL CONSULTANT
RN MAGAZINE AND
MEDICAL ECONOMICS

October 31, 2005

Peter G McCabe, Esquire
Secretary
Committee On Rules Of Practice and Procedure
of the
Judicial Conference Of The United States
Washington D C 20544

Dear Mr. McCabe:

Your letter of October 21st was thoughtful and kind and I thank you for it. It is an honor for me to be invited to participate in the excellent work of the Committee under your able handling as its Secretary.

Careful review of the August 2005 Preliminary Draft is a challenge because its contents are excellent as framed. However, I have some suggestions which it may be desired to consider. They are detailed in the enclosed summation.

Thank you for your courtesies and I extend best wishes to you and the members of your prestigious Committee.

Respectfully,

Jack E. Horsley

JACK E. HORSLEY, J. D.

JEH:bgg

SUMMATION OF SUGGESTIONS ADDRESSING
THE PRELININARY DRAFT OF
PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF PROCEDURE

By Jack E.Horsley, J. D.

On page 12, it may be supported to insert the following on line 6 after the word "destroyed:

", verified udner oath"

The same insert may be well taken if placed after the word "by" on line 17.

Likewise, it may be the Committee would look with favor on inserting the same statement on line 2,page 15 next after the word "writing".

On page 17, line 31, would it be well taken to specifiy in line (5) what the word "timely"means? I suggest " * * as within ten days before the authorized time"next after the word"filed". The "ten days" may be too short a time but it comes to me it is possible "timely" may be too lacking in specificity.

I look with favor upon pages 17 through 33 but it may be

you and the Committee might share my feeling that 100 days as stated in line 28 might be insuffient. I suggest perhaps 150 days would be a better time for the limitation of time expressed on line 28.

Passing to page 38, might it not be better to add paragraph (5) betwen lines 13 and 14 to state this addressing public employees: "The employee number if the person is a state or federal employee". It maybe the person involved would be such an employee and recording this should be something which would properly be within the ambit of the information required.

It may be the same information would be something to be inserted as (5) between 9 and 10 on page 45 if the Committee favors it as an insert between those. Moreover , the same material may be favorably looked upon as an insert between lines 13 and 14, page 150.

I read the substance of the current forms, pages 67 to 131. I look favorably upon these materials and have no suggestions for additional inclusions or modifications.

Furthermore, review of pages 132 through 141 evokes nothing about which I would have any recommendations but on page 142 something does occur to me. Is it not possible that "reasonable" at the close of line 48 may be inadequate to set the time intended? True, it gives a generous time aspect but might it not be better to be specific? If you and the Committee concur in my feeling perhaps this could be inserted immediately after "notice" on line 49", after deleting "reasonable" on line 48: "not less than 21 days prior to the prehearing and submission

Passing to page 150, please refer to my suggestion about inserting (5) between lines 10 and 11 on page 45 and if the Committee and you favor the suggestion addressing page 45, the same suggestion is made with respect to an insert between lines 13 and 14 on page 150.

Careul study of all parts of this Preliminary Draft produces no other remarks except to speak favorably with respect to the Committee's superior work product.