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05-CV- 021

Mr. Peter McCabe
Secretary of the Committee on Rules of
Practice and Procedure
Administrative Office of the U.S. Courts
Washington, DC 20544

Re: Restyling the Federal Rules of Civil Procedure

Dear Mr. McCabe:

We write jointly in support of the project to restyle the Federal Rules of Civil Procedure (the "Restyling Project"). Although we have both chaired the American Bar Association Section of Litigation at different times (2002-03 for Scott Atlas and 2003-04 for Patricia Refo), we write solely in our individual capacities as private practitioners. Mr. Atlas has practiced law since 1976, and Ms. Refo has practiced since 1983. We both have practiced extensively in federal court.

During the last few months, we have studied different parts of the Restyling Project and analyzed the changes between the current rules and the proposed changes. With a group of practitioners and law professors, we provided some suggestions for improving the rules. Our purpose in writing here, however, is to address the "big picture question" of whether the benefits from restyling the rules are worth the potential costs.

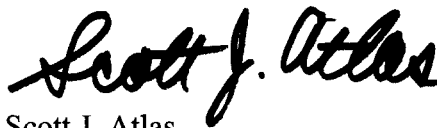
In our view, the potential benefits outweigh any conceivable transaction costs. The revised rules represent a significant improvement over the existing rules in terms of resolving ambiguities to conform to clear case law and using plain English so that younger and less experienced federal court practitioners can more easily comprehend the text. We have long thought that the language used in the original rules has outlived its usefulness and that practitioners would be better served by a more straightforward text. The Restyling Project accomplishes this goal.

We applaud the Committee for its diligent and thoughtful approach to this monumental task. We look forward to practicing law under the restyled rules.

Very truly yours,

Handwritten signature of Patricia Lee Refo in black ink.

Patricia Lee Refo

Handwritten signature of Scott J. Atlas in black ink.

Scott J. Atlas