

December 14, 2005

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05-CV- 018

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
of the Judicial Conference of the United States
Thurgood Marshall Federal Judiciary Building
Washington, D.C. 20544

Re: Comments to Advisory Committee on Civil Rules on
Proposed Style Revision of the Federal Rules of Civil Procedure

Dear Mr. McCabe:

We offer these comments to describe the role of the ABA's Section of Litigation in assisting the Advisory Committee on Civil Rules in its massive restyling work on the Federal Rules of Civil Procedure. At the outset, we note that the Council of ABA Section of Litigation has taken no position on the Proposed Style Revision published for public comment.

The Litigation Section has been involved with the Advisory Committee for some time in its important work and we were asked to assign two members of the Section to assist in the restyling project. Irwin Warren of Weil Gotshal & Manges and Loren Kieve of the Quinn Emanuel firm were asked, and readily agreed, to do so. The Section's liaison to the Advisory Committee, Jeff Greenbaum of the Sills Cummis firm, was also an active participant in the project. Each of them has had over 25 years of extensive experience with federal litigation and the Federal Rules. Their work with the Advisory Committee was done solely as a public service and they or their firms bore the cost of their own travel and lodging.

The Advisory Committee gave the Section's representatives the opportunity to review each draft of the Restyling Subcommittee and to attend the Subcommittee's meetings. Those representatives provided the Subcommittee with extensive comments and questions. As a result of the countless questions raised and the resulting discussions with the Advisory Committee, a number of the originally proposed changes were not made at all, or were modified substantially.

It has been an honor and a privilege for us to have been given the opportunity to assist the Advisory Committee. We hope the Committee will call on us in the future for any additional advice or expertise we might be able to contribute.

Sincerely,



Brad Brian, Chair

cc: Jeffrey J. Greenbaum
Loren Kieve
Irwin Warren



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