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12/12/2006 03:26 PM

To <Rules\_Comments@ao.uscourts.gov>  
cc  
bcc  
Subject

Peter G. McCabe  
Secretary  
Committee on Rules of Practice of the  
Judicial Conference of the United States

06 - EV-022  
Testify

Dear Mr. McCabe:

I hereby request an opportunity to appear and testify at hearings which I understand the Judicial Conference will be conducting on January 12 in Phoenix concerning the proposed new Rule 502 of the Federal Rules of Evidence. I am the current President of DRI, and former President of the Association of Southern California Defense Counsel, and former President of California Defense Counsel.

I would appreciate if if you could confirm whether I will be afforded such an opportunity and, if so, at what time. I would also appreciate being advised where the hearings are to be conducted.

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DRI President

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## **Patrick Long Comments Regarding FRE 502**

1. I am currently the President of DRI (Defense Research Institute), a group of approximately 23,000 defense attorneys around the country. My comments however concerning FRE 502 are my own and I do not speak on behalf of DRI or any other organization.

2. I believe that Rule 502 should apply to both State and Federal proceedings as this would be the most effective way to protect both attorney-client privilege and work product. I believe that a waiver of undisclosed information should occur only in those situations where it is necessary to explain privileged materials which the disclosing party seeks to introduce into evidence.

3. I am opposed to Proposed Rule 502(c) because I believe that "selective waiver" does not provide sufficient protection to allow full and frank communications between clients and counsel. Limited protection can often really be no protection.

Patrick A. Long