

08-CV-184

February 17, 2009

VIA E-MAIL

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: Proposed Federal Rule Amendments

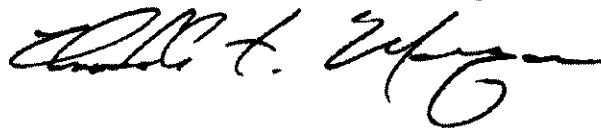
Dear Mr. McCabe:

As Chairperson of the United States Courts Committee of the State Bar of Michigan, I am writing to submit the Committee's comments in support of the proposed amendments to Fed. R. Civ. P. 26(a) and (b). At its January 21, 2009 meeting, the Committee voted to urge adoption of the proposed amendments to Rule 26. The reasons given in support of the proposed amendments echo those provided in Rules Advisory Committee report on the proposed amendments and include enhancement of the effective use of expert witnesses and decreased litigation costs. The proposed amendments also conform Rule 26 to the actual practice used in the Sixth Circuit relating to expert witnesses who are not "specially retained." See *Fielden v CSX Transp, Inc*, 482 F.3d 866 (6th Cir 2007). The Committee takes no position on the other proposed civil rule amendments.

The United States Courts Committee of the State Bar of Michigan is a standing committee composed of lawyers and judges. The Committee concerns itself with recommendations relating to the administration, organization, and operation of the United States Courts. The comments contained herein are those of the U.S. Courts Committee alone and should not be viewed as the comments of the State Bar of Michigan.

Sincerely,

Fraser Trebilcock Davis & Dunlap, P.C.



Thaddeus E. Morgan
Chairperson
United States Courts Committee, State Bar of Michigan