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SALLY & FITCH LLP
COUNSELORS AT LAW
225 FRANKLIN STREET
BOSTON, MASSACHUSETTS 02110-2804

TEL: (617) 542-5542
FAX: (617) 542-1542

IN PROVIDENCE, R.I.
56 PINE STREET
PROVIDENCE, R.I. 02903
TEL: (401) 521-6500
FAX: (401) 274-2780

December 16, 2004

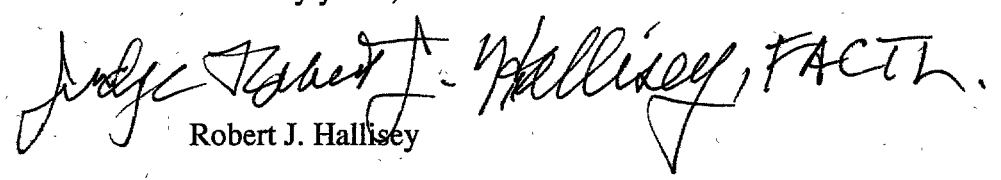
Mr. Peter G. McCabe
Secretary
Committee on Rules of Practice and Procedure
Administrative Office of the United States Court
Washington, D.C. 20544

Re: Preliminary Draft of Proposed Amendment to the
Federal Rules of Practice and Procedure
November 24, 2004 Letter

Dear Mr. McCabe:

My only comment is with respect to proposed Rule 5 which seems to require the judge to note the filing date and "forthwith" send to the clerk. Blacks seventh edition has as its first definition "immediately, without delay." Surely, we want to give the judge time to at least read the paper. Courtesy would seem to me to suggest substituting for "forthwith", Blacks second definition "directly, promptly, within reasonable time under the circumstances" or equivalent.¹

Sincerely yours,


Robert J. Hallisey

RJH/smw

¹ I may be biased from my 17 years as a judge.