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GENERAL, JAGD (HON. RES. [RET.]

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January 14, 2008

Peter G McCabe, Esq, Secretary  
Rules Cpmmittee Support Office  
Thurgood Marshall Federal Judiciary Building  
Washington D C 20544

Dear Mr McCabe

You and your committee have invited me to submit comments from time to time on various Proposed Amendments. I have been favorably impressed each time. I believe, however, those involved in the current assignment are the most impressive.

Thank you for inviting me to submit comments.

Addressing Rule 4, Rules of Appellate Procedure, line 14, I look with favor on increasing the time from 10 to 14 days. However, to assure even a more liberal time frame, I suggest your Committee consider making it 21 days. Three weeks do not seem too long to grant the maximum reasonable time element.

The committee Note on page 145 is clarifying and supported.

On Rule 22, it is my judgment it is well put as shown and I do not suggest any changes.

Passing to Rule 26, page 47, deleting "calendar" is well taken.

Does the Committee not feel a specific reference to providing for the effect if the 3rd day falls on a weekend or a holiday should be inserted? This, of course, is provided for elsewhere but it may be it should be inserted in Rule 26 to make it read

(line) " \* \* \* prescribed period extended to the next business day if the 3rd day falls on a holiday or non-business day or \* \* \* \* "

I have no suggestions speaking to Rule 40 or the new Rule 12.1.

Passing to Bankruptcy Rules, my only observation is to express my favorable reaction to the revisions in Official Form 8 and new Official Form 27 as written. The provisions addressing these Forms are supported.

Turning to Civil Rules, I recommend adding this following "requires" online 13, page 270:

" \* \* \* except increasing the ad damnum at the beginning of the trial. Such amendments must be effected at least 30 days prior to trial except with consent of defense counsel or (unless the court orders it)

On page 296, line 5, I suggest the committee add this, in substance, following "unnecessary": \* \* \* unless leave is granted on the party's motion or (unless the court orders it).

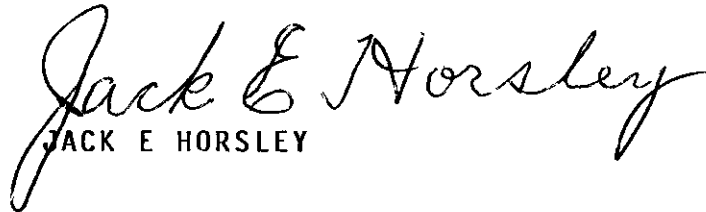
It appears the other Civil Rules described on the cover are supported as set out and I have no suggestions for additions or modifications.

Passing to Criminal Rules: It is my judgment that the Rules set forth on the cover are well taken as drawn, including any modifications the Committee has determined upon.

I look with respectful favor on the inclusion of the materials in "Attachment", beginning of page 348. Reviewing the pages following page 348 generates my favorable consideration of the materials furnished.

Resonating the lead paragraph in this letter, it is my judgment the Proposed Amendments in this assignment are impressive and I thank you again for inviting me to take part in this project.

Respectfully

  
JACK E HORSLEY

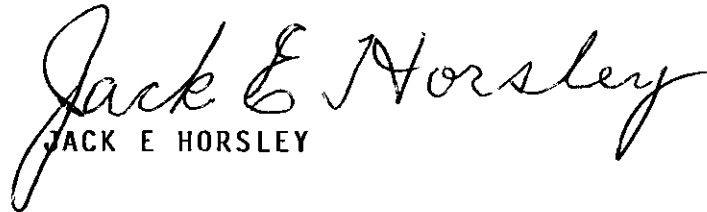
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