

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CHAMBERS OF
SUE L. ROBINSON
U S DISTRICT JUDGE



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WILMINGTON, DELAWARE 19801
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08-CV-166

February 12, 2009

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

Re: Proposed Amendment to Fed. R. Civ. P. 56

Dear Mr. McCabe:

I write, albeit late in the process, to add the recommendation of the judges of the United States District Court for the District of Delaware that the proposed addition of Federal Rule of Civil Procedure 56(c) be rejected.

Even if we assumed, for purposes of this exercise, that proposed Rule 56(c) had some merit, the Federal Rules of Civil Procedure were never meant to be a "best practices manual."

The Judicial Conference and its committees should be very wary of intruding into the independence of the judiciary by imposing such detailed procedures on judges who should be credited with the wisdom, through experience, of using the procedures best suited to their cases, consistent with the culture of their court.

Cordially,

Sue L. Robinson
Sue L. Robinson

Gregory M. Sleet
Gregory M. Sleet, Chief Judge

Joseph J. Farnan, Jr.
Joseph J. Farnan, Jr.