

From: David_A_Katz@ohnd.uscourts.gov
Sent: Thursday, July 14, 2005 1:06 PM
To: Taylor, Debra
Subject: Re: Preliminary Draft

I have read the new draft and am very pleased, at least from a Federal District Judge's viewpoint. A couple of comments.

Rule 2.08 (c) could be made clearer; for instance, we certainly can congratulate the jurors for reaching a verdict in a difficult case; when we use an Allen charge after the jurors report deadlock. In that charge we tell them that another jury will have no greater ability to reach a reasoned verdict than will they, etc. Comment 3 is very well done!

Rule 2.12 (a)(6)(ii) suggests 3 years; I believe that is too short; 5 would be better. Subpart (c) is very well said.

Is Rule 4.15 intended to be a separate filing from the federal annual report now required, which includes these items? If yes, then I believe it inappropriate; if no, then clearly the posting on a website should be unnecessary.

Rule 5 is applicable primarily to elected judges and I will not comment on it.

Judge David A. Katz