

Judge David A. Katz
July 14, 2005

Summary

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.