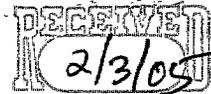


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January 21, 2005

Peter G. McCabe
Administrative Office of the U.S. Courts
One Columbus Circle NE
Washington, DC 20544

Re: E-discovery and privilege

Dear Mr. McCabe:

I write to express my concern that e-discovery, which should make the discovery of information more efficient, is being subverted by proposed amendments to the rules of civil procedure. I have practiced litigation for over 25 years in Minnesota, and I am not aware of a need to restrict discovery to the extent indicated by the proposed rule amendments. I believe that the existing procedure by which the parties may agree on protective orders or seek protective orders for cause, allows for a more reasonable resolution of discovery issues than by the proposed invitation to claim lack of availability and retroactive privilege.

Thank you for your interest in my comments.

Very truly yours,

Lee W. Mosher

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