06 - EV-049
Testify

December 29, 2006

Via Email: Rules_Comments@ao.uscourts.gov

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

Re: New York Hearings: Proposed Federal Rule of Evidence 502

Dear Mr. McCabe:

I hereby request time to testify at the hearings to be held in New York, NY on January

29, 2007 regarding proposed Federal Rule of Evidence 502.

Respectfully submitted,

Anne Kershaw

Testimony

January 16, 2007

Via Email: Rules_Comments@ao.uscourts.gov

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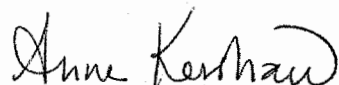Washington, D.C. 20544

      Re: Written Statement of Testimony for New York Hearings regarding Proposed
      Federal Rule of Evidence 502

Dear Mr. McCabe:

      Thank you for your January 5, 2007 letter accepting my request to testify on January 29, 2007 regarding proposed FRE 502. This letter responds to the committee's request for a written statement of my expected testimony.

      The Committee states in the proposed rule that it is interested in any statistical or anecdotal evidence tending to show that limiting the scope of waiver will promote cooperation with government regulators. We are endeavoring to solicit this information from large corporations by way of a small, informal, confidential survey which we are conducting primarily through telephone interviews with internal corporate lawyers. Our hope is to provide the results of this survey to the Advisory Committee through my testimony. We would then follow up with a full written report before the February 15, 2007 close of the comment period. Regrettably, we simply are not far along enough in our survey to provide a full submission at this time.

      Respectfully submitted,

Anne Kershaw

Please note our change of address from Suite 100 to Suite 430.