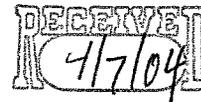


04-CV-F
04-CR-B



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
611 Broad Street, Suite 237
Lake Charles, Louisiana 70601

JAMES T. TRIMBLE, JR.
U. S. DISTRICT JUDGE

April 1, 2004

TELEPHONE 337.437.3884
FAX 337.437.3899

Mr. Peter McCabe
Secretary, Rules Committee
Administrative Office of the United States Courts
Washington, DC 20544

Re: Requested Rules Change

Dear Mr. McCabe:

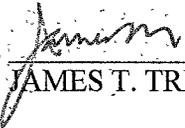
As the Tyco jury begins its eleventh day of deliberations, I am writing to request that there be a change in the rules that require unanimous verdicts in both civil and criminal cases in the federal system.

Before becoming a United States District Judge, I practiced law for 27 years, primarily representing insurance companies, but also doing some other civil and criminal litigation as well. In the state court, a line of 12 jurors could render a verdict in a civil case. In a criminal case, 10 of 12 could render a verdict in all except capital cases. I felt that this was very fair and saw no miscarriages of justice because unanimous verdicts were not required. In fact, I feel it is absurd to expect unanimity in juries when we pass laws and can amend the Constitution without a unanimity requirement. There have been other instances where one holdout has caused a mistrial in high-profile and prolonged cases, and I have been tempted to write before, but I guess this Tyco case has pushed me over the top. When I think of the time, effort, and expense devoted to this trial that lasted some six months, it makes me ill to know that one person can stand in the way of a jury rendering a verdict. There is no reason whatsoever to give a single juror the power to veto a verdict that an overwhelming majority of jurors finds to be fair, equitable, and in keeping with the law and the evidence.

I strongly urge that action be taken to address this problem, and I would recommend something similar to the Louisiana state court system. I will say that although the rules permit six-person juries in civil cases, I do not go with less than eight people, because I do not feel that six provides the parties with a fair cross-section of the community. With an eight-person jury, I believe that seven out of eight should be able to render a verdict. With a 12-person jury, nine or ten of twelve should be adequate. In criminal cases, except for capital cases, I feel that ten of twelve would be fair to both the prosecution and the defense.

Thank you for your consideration of the suggestions in this letter.

Sincerely,


JAMES T. TRIMBLE, JR.

JTTjr/rh