

GOETZ & ECKLAND
CIVIL LITIGATION AND CRIMINAL DEFENSE

March 7, 2026

Carolyn A. Dubay
Secretary, Committee on Rules of Practice
and Procedure
Administrative Office of the United States
Courts
One Columbus Circle, NE, Room 7-300
Washington, DC 20544

VIA EMAIL

RulesCommittee_Secretary@ao.uscourts.gov

Re: Proposed Amendments to Fed. R. Crim. P. 15

Dear Ms. Dubay:

I write to strongly support the proposal for a limited expansion of the use of depositions in criminal cases under Fed. R. Crim. P. 15. I join the large number of stakeholders in our criminal justice system from around the nation that have written in support of the proposal. In my view allowing limited depositions as proposed will promote fairness, further fundamental goals of due process, and result in efficiency and cost savings for the courts and parties in federal criminal cases.

I have been a criminal defense lawyer for almost 40 years. A large part of my practice is defending persons accused of serious criminal offenses in federal courts. I have been on the panel of attorneys who represent indigent defendants under the Criminal Justice Act in the District of Minnesota and the Eighth Circuit Court of Appeals. Though most of my practice is in the United States District Court for the District of Minnesota, I have represented individuals and entities around the country. I am a past president and board member of the Minnesota Association of Criminal Defense Lawyers and member of the National Association of Criminal Defense Lawyers. I am also a fellow of the American College of Trial Lawyers. I have tried over 90 jury trials.

I believe the proposal to amend Rule 15 to permit defendants in federal criminal cases to take a limited number of court approved depositions is a reasonable and efficient way to promote fairness in our federal criminal justice system. Developments in criminal practice and criminal justice reforms over the years that have allowed litigants access to more information and the ability to gather more facts before trial have proven to promote fairness and efficiency.

Two notable examples in Minnesota are the requirement that custodial suspect interviews be recorded and the increasing use of law enforcement body worn cameras. While initially controversial, both measures have proven to be vital tools allowing all parties to a criminal prosecution to gather more accurate information as to essential facts. This not only helps the defense and the government prepare for trial but, more often than not, promotes pre-trial resolution of cases.

Allowing limited depositions in criminal cases would further the goals of fairness and efficiency. I have been struck by the broad discovery allowed under the Federal Rules of Civil Procedure, including Fed. R. civ. P. 30(a)(1), where disputes often center on monetary damages, as opposed to the limited discovery in a federal criminal prosecution where the accused often faces possible decades of imprisonment or the loss of life itself. I also have noted the structural imbalance in any federal criminal investigation and prosecution where the government has so many more discovery tools and resources available to it including compelling witness testimony under oath before a grand jury.

Allowing a criminal defendant the ability to take a limited number of depositions of key witnesses in a criminal prosecution will be an important step to redressing these disparities and imbalances. The defense and the government would have the benefit of having more facts in advance of trial, including what a particular witness will actually say under oath and how they may appear. This will not only allow the defense to better prepare for trial but certainly will promote resolution of cases without trial. Simply put, when all parties to a case know what key witnesses are likely to say and how they will appear before trial, a case is more likely to settle.

In sum, I ask that the Committee endorse these common sense and long overdue amendments to Rule 15 allowing the expanded use of depositions in criminal cases. Thank you very much for your consideration of this letter.

Sincerely,

GOETZ & ECKLAND P.A.

By  _____
Frederick J. Goetz

FJG/kaj