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Via email to RulesCommittee_Secretary@ao.uscourts.gov

Ms. 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, D.C. 20544

Re: Proposed Amendment to Federal Rule of Criminal Procedure 15

Dear Ms. Dubay:

I write to express support for amendment of Federal Rule of Criminal Procedure 15 to allow for greater use of judicially authorized pretrial depositions by defendants criminally charged in federal court. I am a criminal defense attorney based in Boise, Idaho and practice regularly in federal court as do the lawyers at my law firm. I previously served for several years as the president of the board of directors of the Idaho Federal Defender Services of Idaho whose lawyers represent indigent defendants criminally charged in federal court. As such, I am familiar with the disparity that frequently exists between the government's access to witnesses and that of a criminal defendant.

I am hopeful that the proposed, modest amendment to Rule 15 allowing for a limited number of judicially authorized depositions would to some degree mitigate the imbalance that presently exists regarding access to witnesses. This amendment will advance fairness in criminal cases and also promote efficiency by providing criminal defendants and their counsel information that may otherwise be unavailable and necessary to make informed decisions. While our criminal justice system demands fairness, it can benefit from efficiency – and both of these principles are advanced by amending the Rule as proposed.

Thank you for consideration of this amendment and the many supporting letters including mine.

Very truly yours,



Scott McKay