

Founded in 1852
by Sidney Davy Miller

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March 18, 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, D.C. 20544

Re: Proposed Amendment to Rule 15 of the Federal Rules of Criminal Procedure

Dear Ms. Dubay:

I write in support of the proposed amendment to Rule 15 of the Federal Rules of Criminal Procedure to allow limited pretrial depositions in criminal cases. My views are shaped by more than forty years in the courtroom as both a criminal defense lawyer and a former state and federal prosecutor. Over the course of my career, I have tried cases on behalf of the government and defended individuals facing the full weight of federal prosecution. That dual perspective has given me a deep appreciation for both the strengths of our system and the areas where it can be improved in the interest of fairness and accuracy.

I have spent much of my career handling complex criminal matters, including white-collar cases, where the facts are often intricate, the investigations lengthy, and the stakes extraordinarily high. In those cases, one of the most persistent challenges for the defense is the inability to know—before trial—what key witnesses will actually say under oath. Too often, decisions of enormous consequence must be made based on secondhand summaries, incomplete reports, or educated guesses about anticipated testimony.

From my time as a prosecutor, I understand how those summaries are created and why they can be incomplete. Investigative reports reflect the focus and direction of the investigation at a particular moment in time. They are not designed to capture every nuance, qualification, or inconsistency in a witness's account. From my years as a defense attorney, however, I have seen how reliance on those same materials can place the defense at a meaningful disadvantage and, more importantly, can impair the truth-seeking function of the trial itself.

This is not a theoretical concern. I have tried cases where critical facts only became clear in the courtroom—after positions had hardened, resources had been expended, and risks had escalated unnecessarily. I have also seen cases where earlier access to a witness's actual testimony could have materially affected how the case was evaluated, prepared, or resolved.

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The proposed amendment offers a practical and balanced solution. By permitting a limited number of depositions upon a showing that they are in the interest of justice, and by placing those depositions under the careful supervision of the court, the rule provides a mechanism to obtain reliable, sworn testimony without opening the door to abuse. Judges will retain full control to limit scope, protect witnesses, and ensure that the process is used only where truly warranted.

In my judgment, this reform will not only enhance fairness but will also improve the efficiency of the criminal justice system. In my experience, uncertainty is one of the primary drivers of unnecessary litigation. When both sides have a clearer understanding of the evidence, cases are more likely to be resolved appropriately and earlier—whether through plea, dismissal, or more focused trial preparation. Defendants are better able to make informed decisions, and prosecutors are better equipped to assess the strength and weaknesses of their cases.

The amendment also addresses longstanding practical concerns with the current discovery framework, including the limitations of agent reports and the timing of disclosures. Providing access to sworn pretrial testimony will reduce disputes about what was said, improve the reliability of the evidentiary record, and increase confidence in the ultimate outcome.

Having spent decades trying cases in courtrooms, teaching trial advocacy, and working within the legal system at both the state and federal levels, I believe this is a measured and necessary step forward. It reflects the reality of modern criminal practice while remaining faithful to the fundamental principle that our system works best when it is fair, balanced, and focused on the search for truth.

For these reasons, I respectfully urge the Committee to adopt the proposed amendment to Rule 15.

Thank you for your consideration.

Respectfully submitted,



Thomas W. Cranmer

TWC/llr