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April 7, 2026

VIA EMAIL

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, DC 20544
RulesCommittee_Secretary@ao.uscourts.gov

RE: Proposed Amendment to Federal Rule of Criminal Procedure 15

Dear Ms. Dubay:

I am the president of the Kentucky Association of Criminal Defense Lawyers (“KACDL”) and write on behalf of that organization at the direction of the KACDL Board of Directors. KACDL is the only organized, statewide group of criminal defense lawyers in Kentucky. We remain committed to penal code reform, to fairness and justice for all citizens accused of crimes in the Commonwealth of Kentucky, and to unwavering service to the criminal defense community through effective and supportive networking, advocacy and education. I am also the Office Managing Partner of Dinsmore & Shoehl LLP’s Louisville office, and I have represented criminal defendants in the federal courts throughout my more than thirty-year career.

I write in support of the proposal to amend Federal Rule of Criminal Procedure 15 to permit broader use of discovery depositions in federal criminal cases. My experience representing individuals and entities in complex criminal matters indicates that the current limitations of Rule 15 create unnecessary information asymmetries that hinder fairness, efficiency, and informed decision-making.

As others have emphasized, federal prosecutors have expansive tools to secure witness cooperation, conduct interviews, and obtain sworn testimony. Defense counsel, by contrast, often face substantial obstacles in accessing key witnesses—many of whom are reluctant to speak to the defense in the absence of formal process. This imbalance is not theoretical; it impacts case outcomes, plea negotiations, and trial preparation. The proposed amendment would address this disparity by allowing limited, court-supervised depositions when they are in the interest of justice—a carefully tailored approach that enhances fairness without inviting abuse.

The benefits of this reform would extend to all parties. If both sides had clearer access to the relevant facts, discovery review could become more focused and case assessments would become

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more accurate. Depositions allow counsel to test witness recollections, probe inconsistencies, and clarify the factual record before the high stakes of trial. Currently, the content of potential witness testimony is disclosed only through reports that are prepared by agents of the prosecution. The improved transparency and accuracy that would accompany depositions would increase the likelihood of appropriate resolutions and decrease surprises or misunderstandings at trial. Depositions would also permit more informed evidentiary rulings that could be litigated in motions in limine before trial. All of these outcomes serve the judiciary, defendants, and the public alike.

Moreover, because most federal criminal cases resolve through negotiated plea agreements, meaningful access to information is essential. Defendants cannot make informed decisions without understanding the strength of the government's case or the credibility of witnesses whose testimony may determine their fate. Discovery depositions would increase the fairness of plea discussions.

There is currently a structural imbalance in discovery, and there are practical limitations that result from the reliance of defense counsel on reports of witness statements that often are disclosed just prior to or during trial. A limited, supervised deposition process would provide a more reliable and accurate mechanism for evaluating the evidence.

For these reasons, I urge the Committee to adopt the proposed amendment. Allowing depositions under Rule 15 would modernize federal criminal procedure in a measured yet meaningful way. It would strengthen confidence in the fairness of our system— a goal shared by all participants in the justice process.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "R. Kenyon Meyer". The signature is written in a cursive, flowing style.

R. Kenyon Meyer

RKM/mgc