



ANDREW S. BIRRELL
President

Carolyn A. Dubay, Esq., Secretary
Committee on Rules of Practice & Procedure
Judicial Conference of the United States
One Columbus Circle NE, Suite 7-300
Washington, DC 20544

March 2, 2026

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

To the Committee and Staff:

On behalf of the National Association of Criminal Defense Lawyers, we write to endorse the proposal submitted on February 24, 2025, by attorneys at Akerman LLP. Depositions are used successfully in state criminal courts and in federal civil cases. NACDL believes that that practice should be extended to federal criminal cases in which defendants' life, liberty and property are at stake. Unlike prosecutors, defense counsel cannot compel witnesses to speak to them or to a grand jury. This power imbalance can result in unfair trials and even wrongful convictions.

At a minimum, the proposal merits further study by the Committee.

Respectfully,

Andrew S. Birrell
President, NACDL

Richard Willstatter
Chair, NACDL Discovery Reform
Committee

Cc: Prof. Sara Sun Beale; Prof. Nancy J. King