



04-CV-014

JACK E. HORSLEY, J.D.

LAWYER / AUTHOR

FELLOW AMERICAN COLLEGE OF TRIAL LAWYERS

913 NORTH 31ST STREET • MATTOON, ILLINOIS 61938-2271

(217) 235-5954

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04-EV-001

October 26, 2004

Peter G. McCabe, Esq  
Secretary  
Committee On Rules of Practice and Procedure  
Washington D C20544

Dear Mr. McCabe:

It has been an honor for me submit reactions to the various conclusions and targets of the Rules.

The material which came with your letter of August 31st, which reached me today, impressed me. I have studied the Preliminary draft and it appears well put. I note in the material speaking to Rule 33 there are incorporated in substance some of my suggestions previously submitted although I know many others no doubt submitted similar suggestions.

With reference to the preliminary draft received today I studied my file reflecting my earlier analyses. I have only the following observation with respect to the material which came with your letter of August 31st:

As to Rule 4002, the purport is well put. The things a debtor must submit are well taken. My only suggestion is that it might be supported to add a sentence requiring the debtor also to submit a verified full financial statement.

Looking to Rule 404, the thrust of the Rule is well supported. Character evidence under the situation postulated

should not be admissible. May it not be correct, however, to enlarge the rule slightly by stating an exception exists if the case involves the element of the person's character as, for instance, if the case has to do with the person's having stated falsely relevant information and this false statement concerns an aspect at issue in the case?

Again, I look with satisfaction on the current material regarding the Preliminary draft of The Rules and I thank you and the others on the Committee for requesting my comments and reactions.

Respectfully,

*Jack E. Horsley*  
JACK E. HORSLEY, J. D.  
Fellow American College of  
Trial Lawyers

JEH:mm