

From: Patty Barksdale
Sent: Tuesday, May 05, 2020 11:27 AM
To: Julie Wilson
Cc: Jennie Allen
Subject: Suggested Correction to Fed. R. Civ. P. 72(b)

Hello Ms. Wilson.

I have one other matter for consideration.

Fed. R. Civ. P. 72(b), addressing a report and recommendation by a magistrate judge on a dispositive matter states, “The clerk must promptly mail a copy to each party.”

The criminal counterpart, Fed. R. Crim. P. 59(b)(1), states, “The clerk must immediately serve copies on all parties.”

Why are the two different? Shouldn't Rule 72(b) be the same as Rule 59(b)(1) to bring in the service rules when parties are on CM/ECF? (And as a picky matter of style, shouldn't Rule 59(b)(1) be in the singular, not the plural?)

Thank you for your consideration of these further rule musings.

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