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Reply to Clarksdale office

Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts
Suite 7-240
Washington, D.C. 20544

RE: *Letter of Support for Proposed Revisions to the Federal Rules of Civil Procedure*

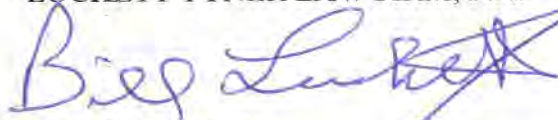
Dear Advisory Committee:

I am an attorney in private practice primarily in the State of Mississippi. A large part of my practice is conducted in federal court. I have been licensed to practice in a number of states, and have over 39 years of experience in the federal court system. I am in favor (with one exception) to the proposed amendments to the Rules. I take exception to an exception contained in subsection 37(e)(1)(B)(ii). In my opinion, this exception should be removed. There is plenty of strength in the Rule as written when there is any indication of willfulness or bad faith with respect to failure to preserve otherwise discoverable information. Moreover, there should be a defined point in time when a duty is imposed upon a party with respect to preservation of information. Perhaps it is when a notice of claim letter is received and the claim is defined with relative certainty or perhaps it should be the date of service or other notice of commencement of litigation served upon a defendant. Whatever the "marker" ends up being, I feel it should be clearly stated.

Thank you for the opportunity to comment on these proposed amendments.

Sincerely,

LUCKETT TYNER LAW FIRM, P.A.



BILL LUCKETT

WOLjr/dh