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03-AP-051

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
Administrative Office of the U.S. Courts
One Columbus Circle, N.E.
Washington, D.C. 20544

Re: Proposal to Federal Rules Allowing Citation of Unpublished Cases

Dear Mr. McCabe:

I am writing to express my strong opposition to the adoption of any federal rule which would allow the citation of unpublished opinions.


Many unpublished opinions are not given the same level of care and attention which is given to published opinions. The current rules precluding the citation of unpublished opinions allow courts and judges to effectively and efficiently utilize their resources by spending their time and effort primarily on those cases which involve significant policy considerations or are otherwise of increased public importance, allowing staff members to have a more active role with regard to opinions which have lesser policy considerations and public importance.

Changing these rules in the manner which is being considered would be disruptive, confusing and expensive for litigants and the courts. Opinions which were never intended to be precedent would suddenly become precedent. Costs for litigants, the courts and even law libraries would be significantly increased. Litigants with lesser financial resources would be unfairly disadvantaged while at the same time the work load of courts, judges and their staffs would be increased, resulting in a significant hindrance of justice.

I urge the rejection of any rule which would allow the citation of unpublished opinions.

Very truly yours,

LOW, BALL & LYNCH


Guy W. Stilson

GWS:ms