

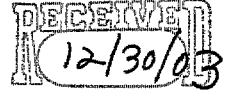
United States Court Of Appeals

Ninth Circuit

7th at Mission Street

P.O. Box 193939

San Francisco, California 94119-3939



03-AP-077

Joseph T. Sneed
Circuit Judge

December 18, 2003

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Mr. 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: Proposed F.R.A.P. 32.1

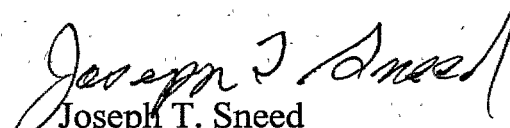
Dear Mr. McCabe:

I am writing to express my opposition to the Proposed Rule 32.1. As a senior judge who recently celebrated 30 years on the bench, I have experienced first hand the dramatic increase in the caseload. Over the years, the cases have become both more numerous and more complex.

Because of this experience, I could never support a measure that would require the court to permit citation to "unpublished" opinions. "Unpublished" memoranda dispositions have been used to grapple with an expanding caseload, increase the efficiency of the appellate process, and improve the quality and consistency of precedential decisions. The proposed rule would exacerbate the increased workload, delay the decision making process in all cases, rob the court of one method to conduct itself efficiently, and possibly, hasten the dissolution of the Ninth Circuit.

I feel that the certain harms of adopting the proposed rule far outweigh any potential benefit. I urge the committee to oppose this proposal.

Sincerely,


Joseph T. Sneed