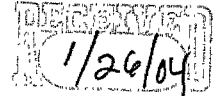


Vincent Zurzolo
01/26/2004 01:49 PM

To: Rules_Comments@ao.uscourts.gov
cc:
Subject: Proposed F.R.A.P. 32.1



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

03-AP-174

Dear Mr. McCabe,

I currently serve as a United States Bankruptcy Judge for the Central District of California in the Los Angeles division. Our court is the largest and one of the busiest bankruptcy courts in the nation. My colleagues on the court and I have very busy dockets and often adjudicate dozens of disputes within a single calendar week.

As a result it is crucial to the efficient administration of justice that the law applied in the cases before us be stated and argued clearly and concisely. This is especially important with Ninth Circuit Court of Appeal authorities that are binding on our determinations. It is my firmly held conviction that proposed F.R.A.P. 32.1, if promulgated, will interfere with the efficient disposition of bankruptcy disputes, dispel the clarity of binding precedent and unfairly burden litigants in my court, especially those with little or no resources for legal research.

As a trial judge, I find great benefit in knowing that the controlling circuit law is set forth in an opinion complete with a reasoned rationale deemed appropriate for publication by its authors. I perceive detriment in the ability of litigants who, facing such authority, will be able to cite a nearly inexhaustible supply of unauthorized material that may be to the contrary yet does not bear the imprimatur of the appellate court's decision to publish it. The unbridled access to such materials and the inexpensive means of "publishing" them through the internet only exacerbate the problem.

I strongly urge the Committee to abandon this proposal.

Sincerely,

Vincent P. Zurzolo