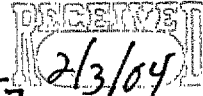


January 11, 2004

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

03-AP-257



Subject: Proposed Federal Rules of Appellate Procedure Rule 32.1
Citations of Unpublished Opinions

Dear Mr. McCabe

This letter is written regarding the proposed amendment of Federal Rules of Appellate Procedure Rule 32 to allow the citation of unpublished opinions.

The adoption of the proposed amendment would unduly burden the Judges, Court Attorneys, and legal staff by requiring the retrieval, consideration, distinction, and refutation of unpublished opinions.

Further, attorneys who practice in federal and state courts may cite unpublished opinions in state courts on the basis that unpublished opinions may be cited in the federal courts.

The citation of unpublished opinions would undermine the integrity of the judicial system and legal system by allowing counsel to cite unpublished opinions to establish precedent.

As Court Attorney of the San Francisco Superior Court and Judge Pro Tempore of the Alameda Superior Court and San Francisco Superior Court, I strongly urge you not to adopt the proposed amendment of Rule 32 to allow citations of unpublished opinions.

Thank you for your time and consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Lew".

Susan Lew