



Luis Rodriguez  
<lrodrigz@co.la.ca.us>  
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To: Rules\_Comments@ao.uscourts.gov  
cc:  
Subject: Fed Rules App Practcice 32.1



03-AP-268

Dear Mr. McCabe:

I write to oppose the adoption of proposed Federal Rules of Appellate Practice (FRAP), Rule 32.1.

As President of the California La Raza Lawyers Assoc., I proudly represent thousands of Latino lawyers from California. As their representative, I have to express our deep concern over FRAP 32.1. Many of our members are solo practitioners or work for small firms which represent persons in immigration proceedings, criminal or personal injury matters. As you may be aware, our members' opponents are entities with immense resources such as U.S. Attorneys and large corporate law firms.

As competent and ethical advocates, we must continually keep to task in keeping up with the developing law in these fields. If the citation of unpublished opinions of State and Federal courts is permitted, as the proposed Rule 32.1 envisions, it would add immeasurably to our work load and the fees and costs that we charge our clients. We would have to spend the extra time needed researching the applicability of the unpublished opinions and distinguishing them, for although they could not be "cited as precedent" it is very difficult to get out of the mind of an Administrative or Immigration Judge or State trial judge, an opinion signed by three circuit judges.

I strongly urge you to leave the the foundation for legal arguments to the well thought out opinions in both State and Federal appellate courts to guide us in finding the law, without having to go to the mountain of sketchy, unpublished opinions.

Very truly yours,

Luis J. Rodriguez  
President, California La Raza Lawyers Assoc.

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