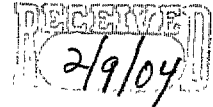




STATE OF CALIFORNIA
Court of Appeal
SECOND APPELLATE DISTRICT
300 SOUTH SPRING STREET
LOS ANGELES, CALIFORNIA 90013



PAUL BOLAND
ASSOCIATE JUSTICE

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February 9, 2004

03-AP-295

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
Administration Office of the United States Court
One Columbus Circle, N.E.
Washington, D.C. 20544

Re: Proposed Rule 32.1

Dear Mr. McCabe:

Last year, a rule similar to proposed Federal Rule of Appellate Practice 32.1 was proposed for the California state courts. As a state court judge for nearly 25 years, I opposed the adoption of the rule. After full consideration, it was rejected by the California Legislature. I believe that the rule proposed for the federal courts also should be rejected.

Although the proposed new federal rule would not apply in the state courts, the rule would impose substantial burdens upon practitioners and judges by vastly increasing the body of precedent they would be required to address. At the same time, the prospect of diminished opinion quality and increased influence of research attorneys would necessarily attend the implementation of the proposed federal rule. Finally, although this state defeated a similar rule last year, the distinct possibility exists that the state courts would feel compelled to follow the lead of the federal judiciary and adopt new rules based on Rule 32.1, as they have done with other federal rule innovations.

For those reasons, I respectfully urge rejection of the proposed rule.

Sincerely,

Paul Boland

PB:sp