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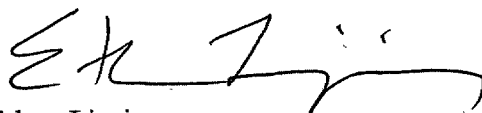
Peter G. McCabe
Secretary, Committee on Rules of Practice and Procedure
Administrative Office of the U.S. Courts
1 Columbus Circle, N.E.
Washington, D.C. 20544

Re: Requiring that Unpublished Decisions be Citable

Dear Mr. McCabe:

I oppose the proposed Federal Rules Advisory Committee Rule that would require Circuit Courts to permit unpublished decisions to be cited. I urge that this proposal be dropped. The rule likely would have adverse, unintended effects that outweigh any benefit that citability might have, including substitution of simple affirmances/reversals for written unpublished decisions and a slow down in the issuance of written decisions to vet them carefully enough to be suitable for citation.

Very truly yours,



Ethan Lipsig
of PAUL, HASTINGS, JANOFSKY & WALKER LLP

EL/sp