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# FEDERAL DEFENDERS OF EASTERN WASHINGTON AND IDAHO

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03-AP-442

February 17, 2003

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

**SENT BY FACSIMILE**

**Re: Proposed Rule of Appellate Procedure 32.1**

Dear Mr. McCabe:

I am writing this letter to express my opposition to Proposed Rule of Appellate Procedure 32.1. I am a trial attorney with Federal Defenders of Eastern Washington and Idaho. I am licensed to appear before the Ninth Circuit and the Supreme Court. I have practiced in both courts and have argued before the Ninth Circuit.

If unpublished decisions could be cited, practitioners would face significant problems and burdens. Allowing unpublished decisions to have precedential value would vastly increase the number of potentially relevant cases. Attorneys would have to review these cases to ensure effective representation of their clients. However, the amount of time that the attorneys would have to spend reviewing these cases would often be for not because rarely will an unpublished decision articulate a new legal principle. Unpublished opinions typically do not contain a full analysis of the law or a full description of the facts. Therefore, unpublished opinions do not contain the range of detail that is necessary for outside parties to rely upon their analysis. As a result, unpublished opinions should not be used as precedential authority.

I have read letters written by other attorneys who also oppose this proposed change. I share in their concerns.

Sincerely,



Anne Walstrom

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