



Wendeline De Zan
<wendezan@yahoo.co
m>

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To: Rules_Comments@ao.uscourts.gov
CC:
Subject: oppose FRAP 32.1

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03-AP-493

Dear Mr. McCabe,

As a former intern at the Ninth Circuit Court of Appeals under Judge Kim McLane Wardlaw, and as an intern at the California Court of Appeals under Judge Earl Johnson, I write to oppose the proposed FRAP 32.1. I imagine you have received many, many letters communicating the same message I now mention. For this reason, I will keep my comments relatively brief.

The Rule should *not* be adopted for two reasons:

- *It would waste court time and resources
- *It would create confusion among practitioners and in the lower courts

I will only talk about the first as others have discussed the second more eloquently.

1. ***Time and resource wasting.*** Clerks and interns already spend an inordinate amount of time drafting unciteable memoranda. The reality of this is because those people who become clerks are usually young perfectionists from top universities. This means that they do not have the judgment (to know when to stop researching and editing) that only experience can bring. Hence, clerks tend toward fastidiousness, which means spending hours pouring over a writing that will (thankfully) only be read by their judges and the concerned parties. Thus, making every memorandum citeable would slow tremendously caseload processing.

Sincerely,

Wendeline De Zan

Wendeline De Zan

323.807.1380/mobile
wendezan@yahoo.com

for large files: wdezan@complexskills.com

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