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To: "Rules_Comments@ao.uscourts.gov"
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Subject: Citation of Unpublished Opinions

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

Dear Mr. McCabe:

I am informed that the Committee on Rules of Practice and Procedure has a proposal under consideration to permit the citation of unpublished Circuit Court of Appeal decisions in briefs submitted to the US District Courts and to US Bankruptcy Courts. In my view this would seriously undermine the credibility of published opinions which are fully considered and carefully written. The integrity and precedential value of Circuit Court opinions is based on the presumption that such opinions have been fully considered and acted upon by the Circuit Court. Unpublished opinions do not rise to this level. To add an entire body of law that does not reach the appropriate standard of care would be truly unfortunate and I highly encourage the Committee on Rules to reject such a proposal. Thank you for your consideration.

Very truly yours

James M. Rockett
Partner
Bingham McCutchen LLP

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