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To: "Rules_Comments@ao.uscourts.gov"
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cc:
Subject: Proposed Fed Rules App Practice 32.1

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03-AP-040

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

Re: Proposed Fed Rules App Practice 32.1

Dear Secretary McCabe:

I am writing to you to express my concern regarding the proposed Rule change which would allow citation to unpublished opinions.

I see no benefit to allowing citation to unpublished decisions. Unpublished opinions are commonly not given the careful thought that published opinions are given. If Rules are changed to provide for citation to unpublished opinions, it will effect resources both at the judicial level and the level of litigants. Courts may be more reluctant to issue summary opinions if all opinions can be cited, requiring more judicial resources be spent on unpublished opinions and taking resources from other tasks. At the litigant level, having to analyze additional authorities will needlessly raise the cost of researching legal issues to include review and analysis of unpublished decisions. For these reasons I would respectfully urge you not to adopt this proposed Rule.

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