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To: <Rules_Comments@ao.uscourts.gov>
cc:
Subject: Proposed Rule 32.1

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I would like to weigh in against the proposed amendment to the Federal Rules that would allow citation to unpublished opinions.

First, the treatment of unpublished opinions as precedent would, in my opinion, dilute the value of those cases which have been carefully chosen (and prepared) for publication based upon their potential for a genuine contribution to the body of law. Second, in this age of information overload, we should encourage more focused, not more scattered, citations to applicable law; more is not necessarily better. Third, allowing citation to unpublished opinions will inexorably result in practitioners spending significantly more hours in research (if only to avoid professional negligence claims), with the concomitant increase in costs, but producing only marginal--if any--benefits to the client. I would recommend against the proposed change.

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