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03-AP-123

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January 5, 2004

Peter McCabe
Administrative Office of the U. S. Courts
Washington, DC 20544

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

Dear Mr. McCabe:

I am writing in opposition to this proposed new rule, which I understand would allow for citation of opinions that courts have directed to be not for publication.

There is enough law in the reported decisions to reach fair and just results. Significant issues and previously unanswered questions are adequately dealt with in reported decisions. If we trust the court enough to reach a correct decision, we should trust it enough to decide whether that decision merits publication or not. The parties' appeal rights are not affected and nobody else need care. The only beneficiaries of the proposed rule would appear to be the vendors of online legal databases, and those litigants and law firms that profit from increasing workload and decreasing clarity.

Thank you for your attention to this matter, and for your efforts in this regard.

Very truly yours,

Don Willenburg

DW:elf

cc: Judge Carlos T. Bea, Ninth Circuit

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