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03-AP-220

I would like to make my views known regarding the proposed change to rule 32.1 to permit citation of unpublished opinions. I do not favor this rule for two reasons: I, as an attorney, frequently find that I have too much caselaw on a point rather than too little. Allowing citation to unpublished opinions would exacerbate this problem.

Second, it is well known that many, if not most, appellate opinions simply apply settled law, and do not require the same attention as opinions that have new issues involved. It is unrealistic to expect the appellate courts, with their heavy workload, to prepare opinions applying settled law with the same care and scrutiny as they do for precedential opinions. In view of the funding crisis in the judiciary, it is not a good use of resources to force the appellate courts to treat all opinions as if they are precedential.

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