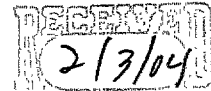


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January 23, 2004

03-AP-256

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

Dear Mr. McCabe:

My name is Michael Garcia, and I am a Senior Deputy Federal Public Defender in the Central District of California, Los Angeles. The attorneys in our office handle a heavy, varied and complex case load, and our responsibilities to our clients require us to keep up with the developing law. I do that by reading slip opinions and advance sheets on evenings and weekends, but it will be virtually impossible for me to keep up on all relevant law if all opinions, including unpublished ones, have precedential force. The result is most likely I will miss something, or one of the attorney's I supervise will miss something, providing inadequate advice or services to our clients. If it is not caught, then it results in the client not receiving the type of representation he is entitled to under the Sixth Amendment of our Constitution; if it is caught, it results in further prolonged litigation of an ineffective assistance claim on a Habeas 2255 Motion. Either way, justice is hardly served.

If I may provide additional comments about this issue, please feel free to contact me.

Sincerely,

MICHAEL GARCIA
Supervising Deputy Federal Public Defender