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Mr. 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 Federal Rule of Appellate Procedure 32.1

Dear Mr. McCabe:

I am the founding partner in a 5-lawyer firm in Chicago, Illinois. My practice is varied, but I spend a large amount of my time appearing in federal court. I am familiar with the rule in the Seventh Circuit that forbids citation of unpublished decisions, and have found in my experience that the rule serves well the interests of the court and the parties that appear before it.

For that reason, I oppose adoption of proposed Federal Rule of Appellate Procedure 32.1, which I understand would require the Courts of Appeal to allow citation of unpublished decisions.

The current rule in the Seventh Circuit allows the court to devote meaningful attention to published decisions in cases that address important, precedent-setting issues while at the same time providing the parties in other cases with at least a short statement of the reasons for the courts' decision. The court can manage its caseload while still performing its two most important functions: developing precedent and resolving the specific dispute between the parties before the Court.

The proposed rule would burden the Seventh Circuit with a decision. The court could either choose to prepare precedential decisions in every case, which would overwhelm the court's resources and deprive the court of time that it could otherwise devote to carefully crafting decisions in important, precedential matters. Or the court could choose to follow a system of issuing simple statements of decision that offer no meaningful explanation of the court's rulings (and therefore

nothing to cite). Neither result would serve the interest of the public at large or the parties that appear before the court.

The intended result – creating additional citable precedent – would in any event be bad for me and others like me who work in smaller law firms. Even if the court were to marshal the resources to prepare precedential opinions in every case, that would lead only to a significant increase in the number and variety of decisions that I would have to research and review in preparing a case. Like other small-firm practitioners, I do not have the limitless resources of the large law firms that I face on a regular basis. I am better served by the current system, in which the court issues a more limited number of citable decisions, each of which provides a more complete explanation of the law.

I respectfully ask the committee not to adopt proposed FRAP 32.1.

Very truly yours.

David B.H. Williams

DBHW:mep