

RECEIVED  
2/11/04

February 11, 2004

Robert F. LeMoine  
6521 Willoughby Avenue  
Los Angeles, CA 90038

03-AP-326

Peter G. McCabe, Secretary  
Committee on Rules of Practice and Procedure  
Of the Judicial Conference of the United States  
Thurgood Marshall Federal Judiciary Building  
Washington, D.C. 20544

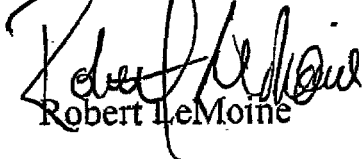
VIA FACSIMILE and MAIL: (202) 502-1755

Dear Mr. Secretary:

Please reject the proposed Federal Rule of Appellate Procedure 32.1. The current system, especially in the Ninth Circuit, operates smoothly. The ability to cite to unpublished decisions would not improve my practice. To the contrary, I suspect that the Proposed Rule would do more harm than good.

Specifically, I think that the courts would react to the Proposed Rule by saying even less in non-published decisions than they currently do. This would eliminate the unpublished decision as research tool, rather than enhance it as I suspect the Rule is intended to do.

Please reject the Proposed Rule and allow the individual courts of appeal to handle this issue as they see fit.

  
Robert LeMoine