**FAX:**

Two Pages

TO: Mr. Peter G. McCabe
Committee on Rules of Practice and Procedure
Administrative Office of the U.S. Courts
One Columbus Circle, N.E.
Washington, D.C. 20544
Fax # 202/502-1755

03-AP-415

FM: Carlos Singh
President,
Hispanic National Bar Association
Direct Dial: (408) 535-5065

Attached is a letter of opposition to the adoption of proposed Rule 32.1 of the Federal Rules of Appellate Procedure. Please contact me if you have any questions.

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HINBA HISPANIC NATIONAL BAR ASSOCIATION HINBA

The National Voice of the Hispanic Legal Community

VIA FAX: (202) 502-1755

February 16, 2004

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

Dear Mr. McCabe:

We write to oppose the adoption of proposed Rule 32.1 of the Federal Rules of Appellate Procedure.

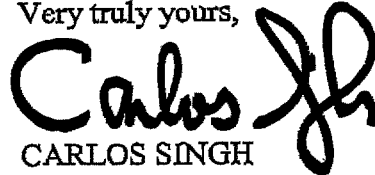
Founded in 1972, the Hispanic National Bar Association is an incorporated non-profit national association representing the interests of over 25,000 Hispanic American attorneys, judges, law professors and law students in the United States and Puerto Rico. Our attorney members practice in large and small law firms, corporations, government and non-profit associations.

A significant portion of our members practice in small law firms and are solo practitioners; much of their practice consists of representing individuals – many times pro bono – in immigration proceedings, small business and other civil matters, and in criminal or personal injury cases. In many instances, litigation opponents are insurance companies, large corporate law firms and government, whose resources for research and sustaining the litigation are far greater. The adoption of proposed Rule 32.1 would create another huge advantage over the small firm and solo practitioner. The proposed Rule 32.1 would cause an increase in fees and costs, which often times are not recovered because clients, who need and merit legal representation, may not have the financial resources to pay them.

The proposed rule would cause a greater work load in lawyers having to spend additional time to research the applicability of unpublished decisions, which in many instances are solely intended to decide a minor or uncomplicated case where the law is settled and not are intended to serve as precedent. Unlike decisions intended for publication, the rationale in an unpublished decision may not be as thorough as necessary, and if the amendment is approved, it will only lead to confusion and increased work for lawyers and judges. If approved, judges, already overburdened with heavy case loads, would be required to spend more time on these cases in order to not confuse future litigants of what, if any, precedential value such a decision would have.

Confusion, increased costs and unfairness to not only small and solo practitioners, but also all practitioners, dictates that proposed Rule 32.1 should not be approved.

Very truly yours,

A handwritten signature in black ink that reads "Carlos Singh". The signature is stylized with a large, looped "C" and a long, sweeping tail for the "h".

CARLOS SINGH
President

cc: Carmen Feliciano
Executive Director