

03-AP-021



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Comments:

I am writing regarding proposed FRAP 32.1, requiring all circuit courts to permit the citation of unpublished memorandum decisions.

While I appreciate the motivations behind the proposed rule, I think it would have harmful (unintended) effects. Given how overburdened Circuit Court judges already are, the new rule, by requiring more attention to the crafting of decisions in minor cases (because of the possibility of later citation), would necessarily take away from time now given to the clearly important cases.

In general, I think the proposed new rule 32.1 would do far more harm than good, and should not be adopted.

Sincerely yours,

Brian Bix
Professor of Law and Philosophy
(and
former clerk to a Circuit Court judge)
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