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Comments:

I write in opposition to proposed FRAP 32.1.

The proposed rule change would be a disaster here in the Ninth Circuit. It is difficult to understand why the committee believes that more citeable decisions will improve the administration of justice. Decisions are already published on aspects of the law that entail novelty or controversy. When routine matters, which are generally the subject of unpublished disposition, produce citeable decisions, it simply means that we will be inundated with authority for propositions of law on which plenty exists already. With so many courts producing citeable decisions, lawyers will surely be able to produce splits of authority in otherwise simple matters. This cannot be helpful for anyone; least of all District Court judges and the lawyers who practice in the trial courts. Trial court judges will have to spend correspondingly more time handling routine decisions to separate wheat from chaff in this sea of citeable authority. Appellate judges must do the same because they know that their work product, however trivial, will be citeable. This will leave less time for the more important work of our courts, and will create a greater burden on an already over-taxed system. This hardly ensures that litigants will get deserved attention from the courts.

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