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1/20/04

03-AP-140

January 14, 2004

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 FRAP 32.1

Dear Mr. McCabe:

I am writing this letter to oppose Federal Rule of Appellate Procedure 32.1, which would allow the citation of unpublished opinions in briefs before the U.S. Courts of Appeal.

I am the president of an Engineering firm who does business in Southern California, Arizona, Colorado, Idaho and Nevada. I am also a licensed attorney with the state of California; my state bar number is 120440.

I oppose the proposed FRAP 32.1 because I believe it would add expense and delay to the litigation process and would give an advantage to the wealthiest litigants whose lawyers would research and argue points from unpublished opinions.

Please do not proceed with efforts to enact this rule. I strongly oppose the submission of this proposed amendment.

Sincerely,

Thomas F. Tait

President

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