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Comments:

Re: Support for Rule 32.1.

I'm a Virginia attorney and I support the adoption of Proposed Rule 32.1 allowing citation to unpublished opinions. The way that courts have handled cases in the past is important, particularly when there isn't published precedent. Appropriate use of unpublished cases and appropriate weighing of their unpersuasive force expands the tools available to courts, lawyers, and litigants, promotes uniformity, and will not, I believe, have the adverse consequences (reduced writing of such opinions, increased workload for attorneys, increased expense for litigants) suggested by some.

The nature of judging and our system of legal justice requires that like cases be treated alike and, therefore, I believe that courts and litigants should have the advantage of being aware of and comparing the decisions of courts in prior cases involving similar circumstances, even if those decisions are not binding. I am in favor of Proposed Rule 32.1.

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