

RECEIVED  
2/05/04



"Julian Moore"  
<moore\_julian@hotmail.com>

To: Rules\_Comments@ao.uscourts.gov  
cc:  
Subject: Proposed FRAP 32.1

02/05/2004 01:04 PM

03-AP-282

To whom it may concern,

I write in support of Judge Kim McLane Wardlaw's letter to Mr. Peter G. McCabe, dated January 7, 2004, in opposition to proposed FRAP 32.1. As a former law clerk on the Ninth Circuit, I can fully appreciate Judge Wardlaw's concerns and ask that the committee examine them closely, along with the great number of other jurists in opposition to the proposed rule.

I write separately only to add that it is common knowledge that the circuit courts in our great country face different challenges and concerns. The workload facing those who service the Ninth Circuit, including the law clerks, is tremendously overwhelming. See Alex Kozinski & Stephen Reinhardt, *Please Don't Cite This! Why We Don't Allow Citation to Unpublished Dispositions*, Cal. Law., June 2000, at 44; see also Report of the Federal Courts Study Committee 109 (Apr. 2, 1990) (noting the federal appellate courts' "crisis of volume"). That the judges on the Ninth Circuit have managed to handle, and handle exceptionally well, the volume of cases they face is to be applauded. It is in no small part due to the "no citation" rule that the Ninth Circuit has been so efficient.

A blanket application of proposed FRAP 32.1 to all the circuit courts, in my view, is simply inappropriate. Each individual circuit court should be given the authority to determine which rules work best in their jurisdiction. If the members of the individual courts conclude promulgation of the proposed rule is wise, so be it. Conversely, however, if other courts determine the rule's implementation would be problematic, the discretion to determine the rule's fate should rest with that body. The judges of the individual circuit courts take great pride in their work and how it is both published and utilized by the public. I trust them. I ask that you trust them as well.

Sincerely,

Julian J. Moore, Esq.  
155 E. 29th St., #14F  
New York, NY 10016  
212-204-6601

Get some great ideas here for your sweetheart on Valentine's Day - and beyond.