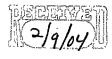
United States Court of Appeals For the Ninth Circuit





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January 22, 2004

03-AP-29/

The Honorable Samuel A. Alito, Jr. United States Court of Appeals for the Third Circuit 357 United States Courthouse P.O. Box 999
Newark, New Jersey 07101-0999

Re: Proposed Federal Rule of Appellate Procedure 32.1

Dear Judge Alito:

MICHAEL DALY HAWKINS

United States Circuit Judge

I join many of my Ninth Circuit colleagues in urging the Advisory Committee to reject this proposed rule. The proposal will not ease the workload of federal judges; it will make their professional lives measurably more difficult. Nor will it sharpen the ability of counsel to make informed arguments; rather, it will create a blizzard of confusion by throwing up what my colleague Ted Goodwin quite accurately describes as "hazards to navigation." Finally, as my colleague Willy Fletcher points out, it will prove harmful to poor and weak litigants who cannot bear the expense of keeping up with the Tsunami of paperwork that will result from the adoption of the proposed rule.

As H.L. Mencken once observed: "There is always an easy solution to every human problem – neat, plausible, and wrong." This is one of those "solutions."

Sincerely,

Michael Daly Hawkins