



"Johnandmonica"  
<johnandmonica@sbc  
global.net>

02/13/2004 04:56 PM

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

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03-AP-373

Attn: Peter G. McCabe, Secretary  
Committee on Rules of Practice and Procedure  
Administrative Office of the U.S. Courts

I am an attorney who has been in private practice in California for more than twelve years. I am writing to comment on proposed FRAP 32.1, which contemplates a nationwide rule requiring the federal appellate courts to permit citation to unpublished appellate decisions for their "persuasive value." I oppose this rule change -- the various circuits have carefully considered whether to permit citation to their unpublished decisions and each have made their own rules on the subject. I see no reason for a nationwide rule. Particularly here in the Ninth Circuit, with its huge volume of cases, there are numerous reasons to avoid citation to unpublished decisions for their "persuasive value." The Ninth Circuit sets forth its reasoning on the law in its carefully composed published opinions. It would not benefit either the courts or the litigants to have to wade through the sheer volume of unpublished decisions that merely apply the law to particular facts in the hopes of finding something persuasive. Please do not make a nationwide rule requiring consideration of unpublished decisions.

Sincerely,

Monica J. Wahl