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KREINDLER & KREINDLER LLP

100 Park Avenue
New York, NY 10017-5590
(212) 687-8181
Fax: (212) 972-9432
www.kreindler.com

Susan A. Friery, M.D.**
Daniel O. Rose
Jacqueline M. James
Brendan S. Maher
Paul A. Loh
Susan D. Bainnson
Dennis J. Nolan
Myrna Ocasio
Vincent I. Parrett

03-AP-

379

California Office
707 Wilshire Boulevard
Suite 5070
Los Angeles, CA 90017-3613
(213) 622-6469
Fax: (213) 622-6019

Harry E. Kreindler (1919-1984)
Lee S. Kreindler (1949-2003)
Marc S. Moller
Steven R. Pounian
James P. Kreindler
David C. Cook
David Beekman
Blanca I. Rodriguez
Noah H. Kushlefsky
Robert J. Spragg
Brian J. Alexander
Justin T. Green
Gretchen M. Nelson*
Stuart R. Fraenkel*

Francis G. Fleming
Paul S. Edelman
Milton G. Sincoff
Andrew J. Maloney, III
Counsel

February 13, 2004

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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 Changes to Federal Rules of Appellate Procedure

Dear Mr. McCabe:

On behalf of all of the attorneys at the firm of Kreindler & Kreindler LLP, I extend our vigorous opposition to the proposal to modify Fed.R.App.P. 32.1 to allow for the citation of unpublished opinions. As you may know this firm has an extensive practice in the federal courts, both trial and appellate courts, throughout the United States and most particularly in the courts of the Second Circuit Court of Appeals.

The proposal, if approved, will impose significant burdens on the courts and the litigants that are not offset by any purported rationale for altering the current system. The implementation of various circuit court rules that permit the issuance of unpublished opinions is a sound and necessary procedure that permits the appellate courts to concentrate more fully on the drafting of opinions that are necessary to the development of legal precedent. And, it permits counsel to concentrate on the analysis of opinions that were intended to cited and which therefore address fully the facts and legal rationale that forms the underpinning of the decision.

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Furthermore, the pending proposal which will forbid the issuance of rules that would bar the citation of unpublished opinions but will allow the courts to deny precedential force to them will clearly create unnecessary problems that will, in our opinion, impair the credibility of the courts.

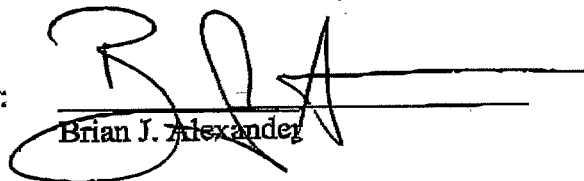
We strongly urge that this proposal be rejected.

Best regards.

Very truly yours,

KREINDLER & KREINDLER

By:


Brian J. Alexander

BJA/cs