

United States Court of Appeals  
Eleventh Circuit

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2/20/04

Stanley F. Birch, Jr.  
Circuit Judge

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17 February 2004

03-AP-496

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

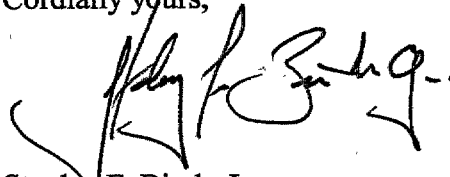
Re: Proposed FRAP 32.1

Dear Colonel McCabe:

The proposed rule is a terrible idea. Several of my colleagues, including Alfred "Ted" Goodwin, Alex Kozinski, Stephen Reinhardt (you have even managed to unite these two "strange bedfellows" against the proposal), Thomas Nelson, and Myron "Mike" Bright, have written previously as to why such a rule is a BAD IDEA --- to that I say AMEN!!

To the best of my knowledge, all of my colleagues on the Eleventh Circuit are opposed to the proposed Rule. The article by Professor Edward Lazarus of 27 November 2003 at elazarus@findlaw.com is a well-reasoned and persuasive (to us judges and hopefully to those who "serve" us) rejoinder as to why the proposed rule is a BAD IDEA. Please show me as also vehemently opposed to the proposed rule.

Cordially yours,



Stanley F. Birch, Jr.  
United States Circuit Judge

c: Chief Judge J.L. Edmondson