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12/16/2003 06:00 PM

To: "'mailto:Rules\_Comments@ao.uscourts.gov'"  
<Rules\_Comments@ao.uscourts.gov>  
cc:  
Subject: FW: Proposed Fed Rules App Practice 32.1



03-AP-050

> -----Original Message-----

> From: Barbara Love  
> Sent: Tuesday, December 16, 2003 1:48 PM  
> To: 'Rules\_Comments@ao.uscourts.gov'  
> Subject: Proposed Fed Rules App Practice 32.1

>  
> Peter G. McCabe, Secretary  
> Committee on Rules of Practice and Procedure  
> Administrative Offices of the U.S. Courts  
> One Columbus Circle, N.E.  
> Washington, D.C. 20544

> Re: Proposed Fed Rules App Practice 32.1

> Dear Secretary McCabe:

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> After practicing in the Federal Courts for some forty years or more, I  
> read the proposed Federal Rules App Practice 32.1 and became quite  
> concerned.

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> We are inundated with paper presently and I see no benefit to allowing  
> citation to unpublished decisions. Unpublished decisions are not given  
> the consideration that published decisions are given. If there is a rule  
> change it would effect the work efforts on a judicial and litigant level.  
> Courts would be more reluctant to issue summary opinions if all opinions  
> can be cited, requiring more judicial resources to be spent on unpublished  
> opinions and taking resources from other tasks. At a litigant level,  
> having to analyze additional authorities will needlessly raise the cost of  
> researching legal issues to include a review and analysis of unpublished  
> decisions. The cost to litigants should this proposed rule be adopted,  
> would be expensive and unwarranted. For the above reasons I would  
> respectfully urge you not to adopt this proposed rule.

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