



**United States Court of Appeals
For The Ninth Circuit**

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RENO, NEVADA 89501

March 14, 1997

PROCTER HUG, JR.
Chief Judge
United States Court of Appeals

Via Telecopier No. - (202) 278-1555

Administrative Office of the United States Courts
Appellate Court and Circuit Administration Division
Suite 4-512
Washington, D.C. 20544

ATTENTION: ABA Citation Resolution

Dear Committee Members:

I write on behalf of the Court Executive Committee of the U.S. Court of Appeals for the Ninth Circuit concerning the American Bar Association's Resolution on Citations. The members of our Court Executive Committee include myself, Judge Browning, Judge Schroeder, Judge Reinhardt, Judge Kozinski, and Judge O'Scannlain. Judge Hawkins has recused himself from this matter.

I begin by indicating our strong support for the electronic dissemination of our Court's published opinions. Indeed, this Court has had its opinions available on our own electronic bulletin board since 1988. Many law schools throughout the country have also set up systems for accessing and retrieving our opinions electronically. We support those efforts.

We have, however, concerns about the alternative case citation system proposed in the ABA's resolution, particularly the requirement of having the court issue a sequential number for the decisions. The court's docket number or case number is the key to the history of the case, its current status and all documents in the case. A citation which does not include the docket number is of little value. Any additional sequential number would have to be cross-referenced to the docket number. And anyone contacting the court for information about a case would need the court's docket number. This is particularly so as we move, in the next few years, towards having all court documents filed electronically.

We also believe the resolution, as drafted, is not clear as to whether all decisions and dispositive orders of the court would require a sequential number, or just those decisions that have precedential value, or what we would consider "publishable". Nor do we favor requiring

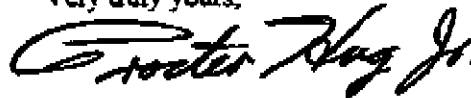
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paragraph numbers. We believe the court should be responsible for the text of the opinion and initial page numbering.

We do not believe the case has been made for the citation system proposed by the ABA resolution. We believe the current "Bluebook" system for citing opinions is an effective method of citing to court opinions. We urge your committee to once again recommend against adoption of the citation system proposed by the American Bar Association.

Thank you for the opportunity to comment.

Very truly yours,



Procter R. Hug, Jr.
Chief Judge

cc: Associates
Cathy Catterson, Clerk of Court