

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
333 CONSTITUTION AVE., N.W.
WASHINGTON, DC 20001-2866

HARRY T. EDWARDS
CHIEF JUDGE

TELEPHONE 202-273-0380
FACSIMILE 202-273-0119

March 4, 1997

L. Ralph Mecham
c/o Appellate Court and Circuit Administration Division
ATTN: ABA Citation Resolution, Suite 4-512
Administrative Office of the U.S. Courts
Washington, DC 20544

RE: American Bar Association Resolution on Electronic Citations

Dear Mr. Mecham:

You have recently circulated a survey soliciting views on the American Bar Association's ("ABA") resolution urging the adoption of a uniform electronic citation format. In a letter to the ABA, the Federal Appellate Clerks unanimously opposed the proposal as then-written. Unfortunately, the ABA made no changes in response to that letter and adopted the resolution now before us.

The clerks did not oppose standard electronic citation formats and the ABA does not explain why "blue book" electronic citation format is not acceptable. Rather, the clerks' objection stems from the increased administrative burden that would result from the new format.

For example, the proposed format dispenses with the case number as the identifier for the disposition and replaces it with a "sequential" number. An opinion identifier which does not include the actual case number of the appeal is, by itself, meaningless. A reader who has only the sequential number will always have to take an additional step to determine the case number before the file or procedural history of the case can be accessed. In effect, reliance on a sequential number to identify opinions requires use of a "key" to translate the opinion number into a case number. This is especially important now that the courts offer on-line access to docket information and opinions.

Several questions about this translating key are not answered by the ABA's resolution. Who will create and maintain the key? How will researchers access it? How long will it have to be maintained for future readers' use? If the ABA format is adopted, we believe that the clerks of the circuit courts will be required to create and maintain these keys, to provide the information to users through our existing staffs and resources, and to maintain the keys forever.

L. Ralph Mechem
March 4, 1997
Page 2

Additionally, the use of a sequential number to identify opinions complicates our internal operations. Each clerk's office will have to create and maintain new databases to track this information, and we will have to train deputies in their use. Please note that the proposal seems to also apply to unpublished dispositions. To comply with the ABA resolution all dispositions would have to be sequentially numbered by court staff -- in order of disposition.

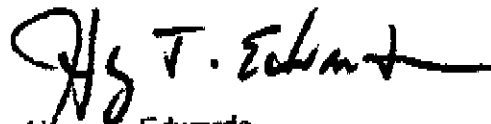
Finally, it does not appear to me that the sequential identifier is simpler to use than a case number identifier. Is 1977 DC Cir. 133U, for example, any easier to use or remember than the current system based on case number, court and date of issuance? The difference between the two forms of citation is simply not significant enough to justify the loss of the important information provided by a citation which includes the actual case number and the date of issuance.

The D.C. Circuit is currently making due with reduced staff allocations. In this environment, any suggestion for a change in procedures which requires the expenditure of additional resources and staff time must be carefully examined. A change of this scope should only be implemented when a persuasive case can be made that the change will improve the service we offer the bench, the bar, and the public. It is not at all clear that this proposal will offer benefits sufficient to outweigh the administrative costs.

I do not object at all to uniform electronic citation. My objection is to a format that would require each Court to completely change the way it docket decisions or to set up a parallel docketing system without sufficient justification for the new format.

As for numbering paragraphs in an opinion, I have no objection so long as the need to insert the numbers does not create a significant burden on the judiciary. Although I fear that the numbering would have to be done in chambers, and would create substantial headaches, I imagine that it might be feasible to accomplish.

Sincerely,



Harry T. Edwards
Chief Judge