

**Beverly Hills Bar Association**  
**BARRISTERS**

**Officers**  
Michael M. Marantz  
*President*  
Thomas H. Vidal  
*President Elect*  
Damon M. Holwell  
*Treasurer*  
Allison J. Mella  
*Secretary*

**Chief Director**  
Famecia J. Watson

**Board of Governors**  
Mark Altich  
Barak Berlin  
Anita M. Bernhold  
Nancy M. Dushett  
Wendy C. Freedman  
Yuki W. Harold  
Holly B. Lake  
Joy Michael A. Marconi  
Sharon M. Myers  
Matthew Nelson  
Sean Novak  
Fahmya Portyell  
Irene Rajkin  
Scott Sachs  
Anita Shrivani  
Jonathan A. Wershow  
Deborah E. Zella

**Ex-Officio**  
Linda H. Spiegel

**Past Presidents 2003-2006**

Linda H. Spiegel  
Francis S. Ryan  
Jennifer A. Lutz  
Stephen L. Hausher  
Theodore R. Byrne  
John K. Rubiner  
Edgar R. Connor  
Carolyn A. Thorp  
Patricia A. Johnson  
Christopher T. Bradland  
Richard D. Kaplan  
Shirley M. Seher  
James A. Sedivy  
Ellen B. Kligman  
Gregory T. Vinton  
Melvyn M. Fischler  
David Paul Rabiner  
Steven H. Gardner  
Leslie C. Chaves  
Lawrence J. Siskin  
Norman Bai  
John A. Schiffman  
Hon. Lawrence D. Rubin  
Hon. Anthony S. Mich  
Evan Jill S. Robbins  
Ronald A. Litz  
Kenneth S. Weil  
Robert D. Fritzsche  
Stanley L. Stein  
Jon J. Sello  
Marshall B. Grossman  
Richard A. Rosenburg  
Norman M. Gurley  
Morris S. Blauie  
Samuel S. Naborzahi  
Sol Rosenzweig  
Stanley E. Neberman  
Bert Z. Tipman

April 22, 2004

*via facsimile and first class mail*  
202-228-2258

Senator Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, DC 20510

RE: Proposed Split of the Ninth Circuit

Dear Senator Feinstein,

I thank you for inviting our comments on the three pieces of legislation pending before Congress that propose to split the Ninth Circuit. The Beverly Hills Bar Association is nationally recognized and with over 3500 members, it is one of the largest voluntary bar associations in California. We enjoy a 73 year history and our mission is to serve the legal profession, to serve the community and to support and improve the justice system.

The Board of Governors of the Beverly Hills Bar Association has consistently maintained a policy position opposing a split of the Ninth Circuit. This position has not changed with the introduction of S.2278, S562, and H.R. 2723.

We understand that proponents of these bills urge that the Ninth Circuit has become too large to efficiently dispense justice in a reasonable manner. It is our Association's position that this is not the case. We have heard no complaints from our members to support such a position. To the contrary, the technology utilized by the Ninth Circuit makes it quite efficient.

Further, the large number of published opinions that are issued from the Ninth Circuit provide a well established body of law to District Courts, thereby avoiding repeated litigation of an issue and reducing the potential for inconsistent

Senator Dianne Feinstein  
April 22, 2004  
Page 2

Circuit Court decisions. This in turn lessens the burden on the United States Supreme Court to resolve such inconsistencies.

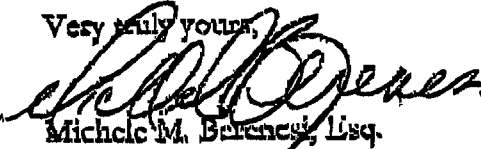
Hon. Mary M. Schroeder, Chief Judge of the Ninth Circuit, testified at a hearing on H.R. 2723 on October 21, 2003 that a large majority of the sitting judges within the Ninth Circuit oppose a split. She explained that there are only two other times in our history that a circuit has split: in 1929 the Eighth Circuit was divided to create a new Tenth Circuit and in 1980 the Fifth Circuit was divided to create a new Eleventh Circuit. On both occasions, the division was supported by a substantial majority of the affected judges. This is not the case today for the Ninth Circuit.

We agree with the position of the American Bar Association on this issue: restructuring a circuit should only occur as a last resort upon a showing of serious dysfunction. We are aware of no dysfunction in the Ninth Circuit and are unpersuaded by the proponents' arguments.

The changes proposed by these bills would create a tremendous unnecessary burden to the taxpayers. It even appears that the bills do not encompass all of the costs that would be incurred in such a venture. This is not an appropriate use of public funds at this time.

For these reasons, the Beverly Hills Bar Association is opposed to a split of the Ninth Circuit. If you have any questions or concerns, please do not hesitate to contact us. Thank you again for this opportunity to voice our input.

Very truly yours,



Michelle M. Berenson, Esq.

President

Beverly Hills Bar Association Barristers