



February 16, 2005

LACBA

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Re: Ninth Circuit Court of Appeals Judgeship and Reorganization Act of 2005
(H.R. 211 and 212) -- OPPOSE

Dear Chairman Sensenbrenner, Chairman Smith, Ranking Members Conyers and Berman:

The Los Angeles County Bar Association strongly opposes both H.R. 211 and 212, the latest in a series of proposals to split the Ninth Circuit. There remains no legitimate reason to split the Ninth Circuit, and certainly no reason to incur the very substantial costs that such a split will generate.

Founded in 1878, the Los Angeles County Bar Association is the largest voluntary local bar association in the nation. The Association is a diverse organization made up of more than 26,000 members, 60 sections and committees, 27 affiliated bar associations, over 100 staff members, and thousands of active volunteers. A significant number of our members, sections, programs and projects practice in, or address practice in, the Federal Courts and particularly the Ninth Circuit. Our fundamental mission is to meet the professional needs of Los Angeles lawyers and to improve the administration of justice. It is in this last capacity that we send this letter.

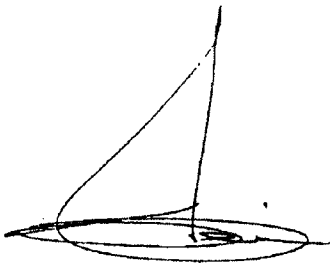
As both Chief Judge Mary M. Schroeder and Senior Judge Clifford Wallace testified on April 7, 2004, splitting the Ninth Circuit lacks the support of a consensus of the judges and lawyers in the Ninth Circuit. Moreover, the proposed division serves no legitimate interest and will, in fact, hamper the effective and consistent administration of justice in the western United States.

Dividing the Ninth Circuit would do away with the important advantages that flow from a large circuit. The Ninth Circuit currently enjoys significant economies of scale in its administrative and managerial functions. A divided circuit would have to duplicate many of those functions. Splitting the Ninth Circuit in two, as proposed by H.R. 212, would cost an estimated \$100 million, plus \$10 million per year in added administrative costs. The three-way split proposed by H.R. 211 would further increase administrative costs. At a time when our federal government is facing significant deficits, our efforts should be directed at lowering costs, not increasing them—particularly where, as here, the increased costs will do nothing to improve the administration of justice in the circuit.

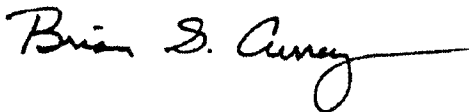
As the nation's largest federal circuit court, the Ninth Circuit has consistently been at the forefront of technological and administrative innovation. As caseloads grow in all of the nation's Courts of Appeals, efficient administration will become ever more essential. As Senior Judge Wallace pointed out in his April 2004 testimony, simply splitting a large circuit confers no such benefit; that path will lead only to fragmented federal law and increased inter-circuit conflicts. Even in the face of an increasing workload, the Ninth Circuit has been delivering coherent, consistent circuit law. If it remains undivided, will serve as a model of effective administration of a large appellate court for the rest of the country.

These Judgeship and Reorganization Acts are solutions in search of a problem. The Ninth Circuit has been consistently and effectively serving the western United States for over 110 years. Dividing this venerable institution will yield no benefits, but will squander the significant economies of scale that the circuit currently enjoys. We urge you and your colleagues to reject H.R. 211 and 212, as well as any other proposals to split the Ninth Circuit.

Sincerely,

A handwritten signature in black ink, appearing to read "Edith R. Matthai". The signature is written in a cursive style with a large, sweeping initial "E".

Edith R. Matthai
President-Elect
(213) 624-3062 ematthai@romalaw.com

A handwritten signature in black ink, appearing to read "Brian S. Curry". The signature is written in a cursive style with a large, sweeping initial "B".

Brian S. Curry
Chair, Federal Courts Coordinating Committee
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bcc: The Honorable Mary M. Schroeder, Chief Judge
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The Honorable J. Clifford Wallace, Senior Circuit Judge
United States Court of Appeals for the Ninth Circuit
The Honorable Alex Kozinski, Circuit Judge
United States Court of Appeals for the Ninth Circuit
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