



August 4, 2017

Dear Senator Feinstein:

I'm troubled to learn that efforts may be pending to split the United States Court of Appeals for the Ninth Circuit. The Bay Area Council opposes any such action.

The Council is a business-sponsored, public policy advocacy organization for the nine-county Bay Area. We proactively seek a strong economy, a vital business environment and a better quality of life for everyone who lives here. Founded in 1945, the Council is widely respected by elected officials, policy makers and other civic leaders as the voice of the Bay Area business community.

Approximately 300 of the largest employers in the region support the Bay Area Council as members and offer their CEO or top executive to serve on our Executive Committee, Board or Policy Committees. Our members employ more than 4.43 million workers and have revenues of \$1.94 trillion, worldwide.

Some 30 plus law firms are actively engaged with the Council, at all levels. Among those involved as Board or Executive Committee members, they are 100% opposed to any division of the Ninth Circuit. Any potential split of the Ninth Circuit is unnecessary and will cause unneeded confusion during any transition, implementation process.

I understand that legislation to split the Ninth was introduced and considered in 2005 – 2006. Clear and compelling arguments against the two bills ultimately prevailed. The same logic and facts asserted then, hold true now. Convincing to me, as noted more recently by Ninth Circuit Judge Carlos Bea, in testimony this past March:

*"First, I point to the great advantage to our business and professional communities in having a uniform body of law which covers the nine Western states and the Pacific Islands.*

*A decision by our Court binds courts and litigants in the whole Western area. This minimizes the risk that the law of intellectual property – copyrights and trademarks, for instance-maritime trade, labor relations, employment discrimination, for instance-will be different in Phoenix, San Francisco or Seattle."*

As California's senior Senator, and the ranking Member on the Senate Judiciary Committee, I urge you to continue to oppose any effort to split the U.S. Court of Appeals for the Ninth Circuit.

Sincerely,

A handwritten signature in black ink that reads 'Jim Wunderman'.

Jim Wunderman  
President and CEO  
Bay Area Council