

Requests to Hon. Ellen Corbett; Hon. Dave Jones; Hon. Sheila Kuehl and Hon. Mike Feuer that this draft be placed on your office letterheads and sent to Chief Justice George.

1 message

MichaelSchmier@aol.com <MichaelSchmier@aol.com>

Thu, Jun 21, 2007 at 11:18 AM

To: rick.battson@sen.ca.gov, janice.rocco@asm.ca.gov, carol.wallisch@sen.ca.gov, rebecca.marcus@asm.ca.gov, jennifer.whiting@asm.ca.gov, david.cox@asm.ca.gov, susie.blamey@sen.ca.gov, kathryn.dresslar@sen.ca.gov, yolanda.sandoval@sen.ca.gov, sean.macneil@sen.ca.gov, nathan.solov@asm.ca.gov, erin.niemela@sen.ca.gov

June 21, 2007

Honorable Ronald M. George
Chief Justice of California
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

Re: Lifting of Ban on Citation of Unpublished Court of Appeal Opinions

Dear Mr. Chief Justice:

Assemblymember Mervyn Dymally's letter to you of May 8, 2007 (www.nonpublication.com/dymally.pdf) inquired if you still adhere to your position against citation of unpublished court of appeal opinions, in light of the rejection of that position by the federal courts. Your response letter of May 18 (www.nonpublication.com/george.pdf) raised some questions.

I am particularly interested in the background and sources, including comparative federal and state financial data, caseload volume and all other statistical details relating to your comments about the possible fiscal ramifications and complexity of various proposals to change the current system banning citation, given my understanding that similar claims have been found by the federal judiciary to be without substance. From the language of your May 18 letter, I wonder whether you do not now agree in principle to lift the ban forbidding citation of unpublished appeal opinions, and to turn to addressing what you see as fiscal ramifications?

I would be very appreciative if you would take the time and effort that I know this entails to help me understand this thoroughly by carefully reviewing the details of all your reasons, if you continue to support a ban on citation.

I look forward to hearing from you soon. With very best wishes.

Respectfully,