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Please Reply to Santa Rosa

May 28, 1998

Commission on Structural Alternatives
for the Federal Courts of Appeals
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Washington, D.C. 20544

Re: Public Hearing Regarding Status of
Ninth Circuit Court of Appeals

Dear Commissioners:

This letter is in regards to the Ninth Circuit status hearing you are holding May 29, 1998, which I am unfortunately unable to attend. I write to echo the views of so many thoughtful and knowledgeable members of the bench and bar who urge that the Ninth Circuit be maintained in its current configuration.

I had the honor of serving on the Ninth Circuit central staff between 1979 and 1980. Through that position I became familiar with the general workings of the court and was much impressed with the efficiency, dedication and careful thinking shown by the judges and staff in administering a complex system of appellate justice. I also served as an attorney delegate to the Ninth Circuit Conferences from 1985 to 1988, and was elected chair of the attorney delegates to the Conference in 1989. I served on the Ninth Circuit Admissions Fee Committee from 1990 to 1994. I have had cases before the court since 1980. During this entire time I have continued to be familiar with and to admire the Circuit's effective delivery of justice.

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I can see no need to split the Circuit as has been urged. The claimed delays from date of filing to date of resolution are simply statistically untrue. The Ninth Circuit is at the top of appellate court performance in this regard. Splitting the Circuit would increase administrative costs and increase the chances for incompatible rules of law to be applied to contiguous or even the same state. The move behind splitting the Circuit is, in my view, solely politically motivated, an extremely poor basis for a decision which impacts the entire administration of justice.

I urge the Committee reject the notion of splitting the Ninth Circuit from its current configuration.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Riley Clement". The signature is written in dark ink and is positioned above the typed name.

Kimberly R. Clement

/las