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June 3, 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

Dear Commission:

Enclosed please find a resolution of the Elko County Bar Association in opposition to the division of the Ninth Circuit. I am sorry for the delay in forwarding this document.

Thank you for your consideration of this resolution.

Sincerely,

BURTON, BARTLETT & GLOGOVAC



Phillip W. Bartlett

Enclosure

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**RESOLUTION OF THE
BAR ASSOCIATION OF ELKO COUNTY, NEVADA**

Whereas, the Elko County Bar Association recognizes that the administration and configuration of the federal circuit courts present critical issues for the future of American justice; and

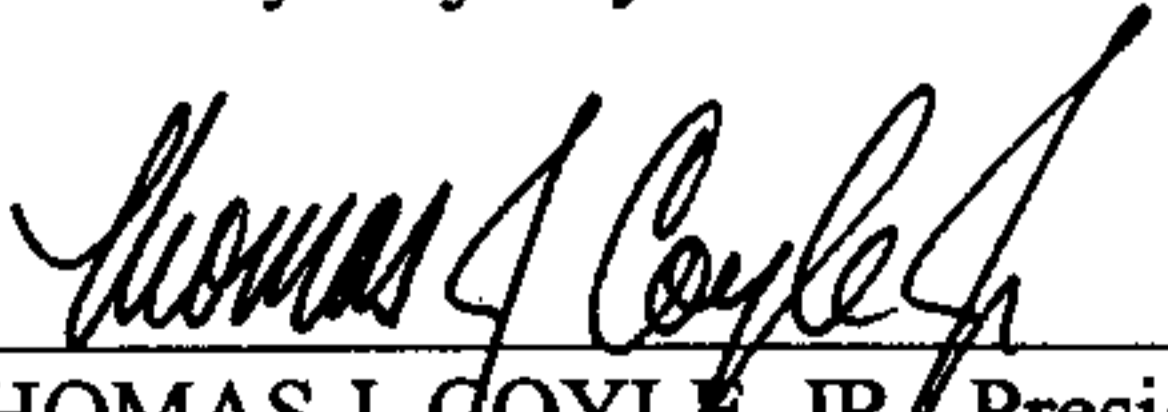
Whereas, the Elko County Bar Association is deeply committed to the concept of an independent judiciary, the third branch of government, in a well and carefully considered constitutional scheme; and

Whereas, the Elko County Bar Association believes strongly that any actions which are taken with regard to the administration and configuration of our federal appeals courts should be the result of thorough and thoughtful consideration in the furtherance of the pursuit of the effective administration of justice in our federal system.

NOW, THEREFORE, BE IT RESOLVED THAT the Elko County Bar Association urges that the non-germane riders, proposing to split the courts of the Ninth Circuit into two separate circuits, which riders have been attached to H.R. 2267 (the legislation to fund the Departments of Commerce, Justice, State, the Judiciary and related agencies for fiscal year 1998) be rejected.

BE IT FURTHER RESOLVED THAT if Congress feels that the issue of reconfiguration of the Ninth Circuit may or may not be appropriate, this issue should be part of a thorough study of the entire subject of the structure of the federal courts around the country. No circuit court reconfiguration should be approved by Congress without careful consideration of all relevant issues, including the construction costs, administrative efficiencies, caseload, the number and allocation of judges and staff required to perform the duties required of the circuit courts, the effect upon litigants from the various states and the effect that the creation of new circuits may have upon the United States Supreme Court, which is responsible for resolving conflicts amongst the circuits.

Upon motion by attorney Robert O. Vaughan, seconded by attorney Andrew Puccinelli, the above-stated Resolution was duly passed by majority vote and adopted on the 7th day of May, 1998.



THOMAS J. COYLE, JR., President