

President

Noel E. Manoukian

Associate

Teresa Rothi Miller



LAW OFFICES
NOEL E. MANOUKIAN, LTD.

May 14, 1998

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

**Re: Circuit Position to the Commission on
Structural Alternatives**

Greetings:

The undersigned is a former trial judge (general, unlimited jurisdiction) and Nevada Supreme Court Justice and Chief Justice, having left our high Court in January of 1985. I am writing in support of Ninth Circuit, Chief Judge Procter Hug, Jr's position with regard to the configuration of the Ninth Circuit.

I attended the April 24, 1998 District Conference in Reno, Nevada, and was privileged to hear Judge Hug address the issue of the configuration of the Ninth Circuit. This letter is unsolicited, and I am pleased to lend support to Chief Judge Hug's position that all is well in the Ninth Circuit.

The following should demonstrate why this Ninth Circuit should be left in tact. This Circuit is moving cases along rather expeditiously, including but not limited to through the alternate dispute resolution process, and this is so, notwithstanding the absence of several judge positions that have not been filled. We are informed that these mediators work with parties to settle cases early in the appellate process, long before briefs and arguments typically occur. Being a settlement judge for the Nevada Supreme Court's Settlement Judge Program, being in second place out of over sixty (60) such settlement judges, I know how challenging and successful such programs can be. Clearly, this Ninth Circuit Program saves party's money, expedites the resolution of the cases, leaves parties feeling reasonably good about the outcome, and just as surely, pecks away at the Court's caseload.

The Ninth Circuit's innovation process also includes an issue coding system for its cases, which avoids intracircuit conflicts. This Court also originated the Bankruptcy Appellate Panel to hear intermediate bankruptcy appeals, which has been adopted by other

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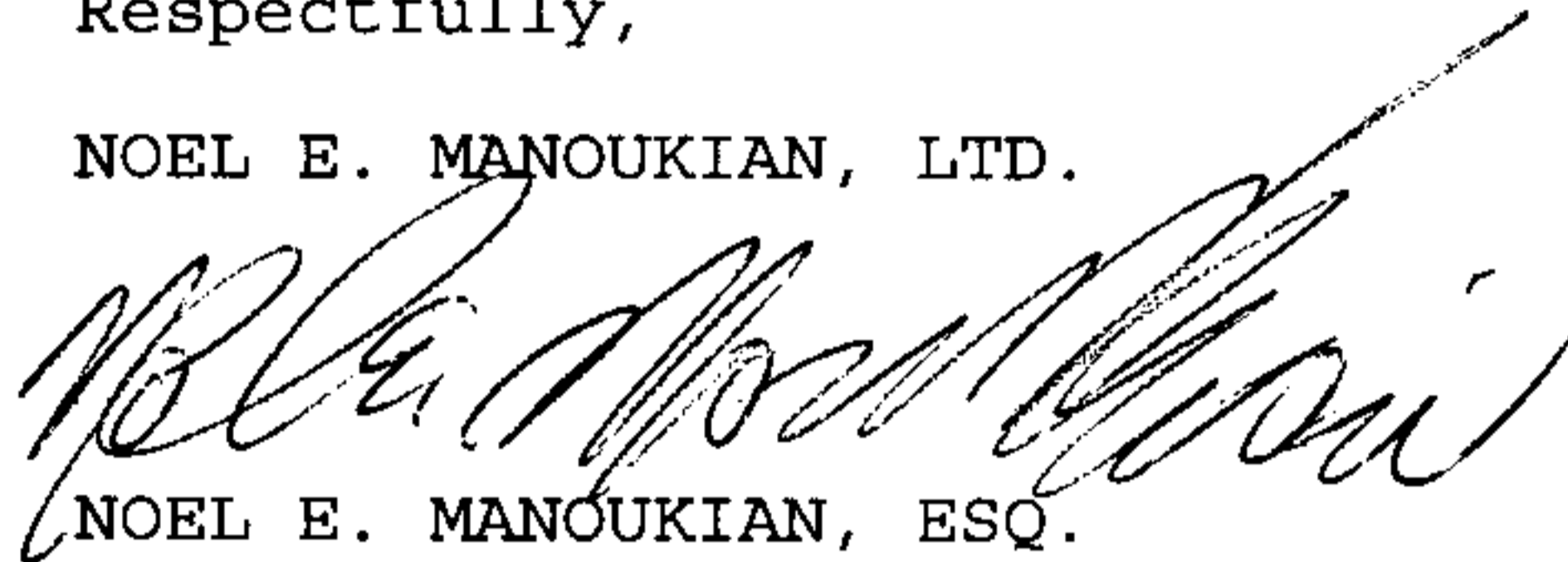
circuits in our great County. Also, this Court has adopted a system which allows it to classify cases, depending on the complexity or simplicity of its cases, thereby making the Court and its staff more efficient. As you may be aware, this Court has also originated use of an Appellate Commissioner, and as Chief Judge Hug's written position to you provides, this "has expedited rulings on non-dispositive motions and attorney's fees." The latter has and will also free-up the Judges themselves, to more quickly and meaningfully address the merits of the cases themselves. Although this has been done for sometime, the Ninth Circuit also originated an expedited, very efficient, and fair procedure for three (3)-judge panels to meet, confer and to resolve cases that are controlled by well-established cases and issues.

I hope that I have been somewhat helpful. If I can be of any further assistance concerning your Commission's objectives, please do not hesitate to call upon me.

Kindest regards.

Respectfully,

NOEL E. MANOUKIAN, LTD.

A handwritten signature in black ink, appearing to read "Noel E. Manoukian", written in a cursive style.

NOEL E. MANOUKIAN, ESQ.

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