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April 27, 1998

To: Commission on Structural Alternatives for the
Federal Courts of Appeal
One Columbus Circle, N.E.
Washington, D.C. 20544
202-208-5102 fax

Date: Commission to Study the Splitting of the Circuit Courts:

Dear Sirs:

I am a United States Bankruptcy Judge sitting in the Central District of California (Los Angeles). The Central District of California is within the Ninth Circuit, so the subject of splitting the Ninth Circuit is of serious concern to me and to persons and entities who use the federal courts.

My first thought on the proper configuration of Circuit courts is that increasing the number of Circuits has many disadvantages. The biggest disadvantage is that a proliferation of Circuits causes the opportunity to have more conflicts and inconsistencies among the various Circuits. With the United States Supreme Court taking so few cases for review on certiorari every year, inconsistency among Circuits is a serious problem, because it tends to take a long time to get inter-Circuit inconsistency resolved. Conflicting decisions among Circuits cause great uncertainty, and result in litigants receiving different results merely because they are in diffirent Circuits, which is not fair.

Some think the Ninth Circuit is too large to function efficiently. Some of the delays experienced now in the Ninth Circuit are doubtless due to the many Ninth Circuit judicial vacancies. These vacancies need to be filled promptly, and certainly should be filled as any condition of splitting the Ninth Circuit.

If the Ninth Circuit is too large to function efficiently, it is certainly true that certain other Circuits, such as the First Circuit, are too small. If it is inevitable that the Ninth Circuit will be divided into two Circuits, then to avoid increasing the total number of Circuits, the First Circuit should be combined with the Second or Third Circuit, thereby keeping the total number of Circuits consistent nationwide. Alternatively, to avoid proliferation of Circuits, the pacific northwest states (which are so eager to leave the Ninth Circuit) could be appended to some other already existing Circuit, rather than becoming a Circuit of their own.

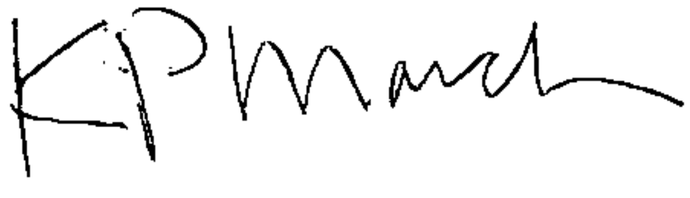
If it is inevitable that the Ninth Circuit will be split, the split must be done in a sensible way :

First, among the continental forty-eight states, a Circuit should not include a state which is noncontiguous to other states in the Circuit. It would be ridiculous to have a Circuit consisting of states (within the continental forty-eight states) which are not contiguous states. Thus, the idea of having Arizona be part of a new Circuit, when Arizona is <u>not</u> contiguous with any of the other states within that new Circuit is illogical. Such a Circuit would require having more than one headquarters, which is a waste of taxpayer funds. Worse yet, such a Circuit would be apparent to all users of the court system as being the product of blatant gerimandering for political ends, thereby decreasing the public's confidence in the judicial system. Public lack of confidence in the judicial system is already a problem, and should not be exacerbated by restructuring Circuits in a blatantly political fashion.

Second, any split of the Ninth Circuit should not divide a single state. **California must not be divided, as some early proposals to split the Circuit have proposed.** Two Circuits should not be interpreting the law of a single state, as this creates too many possibilities for inconsistent Circuit interpretation of a single state's law. Several other Circuits such as the Second Circuit, consist of one large state and several small ones.

Third, California, Arizona and Hawaii all have similar law. These states should logically be kept together in any restructured Circuit.

Sincerely,



Kathleen P. March

bcc: Chief Judge Proctor Hug, Jr., Ninth Circuit
Chief Bankruptcy Judge Geraldine Mund, Central District, California