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May 29, 1998

VIA FEDERAL EXPRESS

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

Re: *U.S. Courts Committee - Federal Appellate Courts
Structural Alternatives Committee*

Dear Sir/Madam:

I am writing in my capacity as Chairperson of the Standing Committee on United States Courts. We respectfully submit the enclosed written statement to the Commission. I am also enclosing a computer diskette which contains the statement on Word Perfect 5.1 format.

Thank you for your consideration.

Very truly yours,



Richard A. Rossman

RAR/jk

Enclosure

cc: Hon. Boyce F. Martin, Jr. (w/enclosure)
Hon. Anna Diggs Taylor (w/enclosure)
Committee Members (w/enclosure)

DT: #81918 v1 (1R7\$01! WPD) 0000000-1010

**STATE BAR OF MICHIGAN
United States Courts Committee**

**Written Statement to the Commission on Structural
Alternatives for the Federal Court of Appeals**

The Standing Committee on United States Courts of the State Bar of Michigan submits this statement in lieu of testifying at a public hearing of the Commission on Structural Alternatives for the Federal Court of Appeals.¹ Even though the Committee's members have appeared in federal courts throughout the country, the Committee has decided to comment only on the performance of the United States Court of Appeals for the Sixth Circuit.

The Committee supports the current geographic boundaries of the Sixth Circuit and opposes any recommendations to alter those boundaries.

The Committee also does not offer any proposed recommendations for changes particular to the Sixth Circuit's structure, organization, processes or personnel. All of the federal appellate courts would benefit from adequate funding and the elimination of judicial vacancies. Based on our own experience, Committee members believe that the current procedures employed by the Sixth Circuit, including the expedited hearing of cases and the use of settlement conferences in all civil cases, help promote judicial efficiency and timely resolution of cases through the appeals process. **See Internal**

¹ The Committee adopted this statement at its May 6, 1998 meeting, after notice to all Committee members. The statement is that of the Committee and does not necessarily represent the policy of the State Bar of Michigan.

Operating Procedures of the United States Court of Appeal for the Sixth Circuit, Chs. 7 and 10. This system does not appear to diminish the amount of time or the quality of deliberation given the cases by the judges. The thorough interrogation by panel members of the attorneys appearing before them during oral arguments is a clear indication that the judges are well versed in the facts and law of each case. It is the perception of Committee members that the number of vacant judgeship months in the Sixth Circuit over the last three years has impacted the Sixth Circuit's ability to resolve appeals in a shorter time frame.

One of the stated objectives of the Commission is to determine whether each federal appellate court renders decisions that are consistent among the litigants appearing before it. It is the view of this Committee that the risk of creating conflicting decisions between panels of Sixth Circuit judges is greatly reduced by the **rehearing en banc** procedure used by the Sixth Circuit. **6th Circuit R. 14; Internal Operating Procedures, Ch. 20.**

In summary, the Committee supports the current geographic alignment, composition and operation of the Sixth Circuit.