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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.: Proposed Split of 9th Circuit

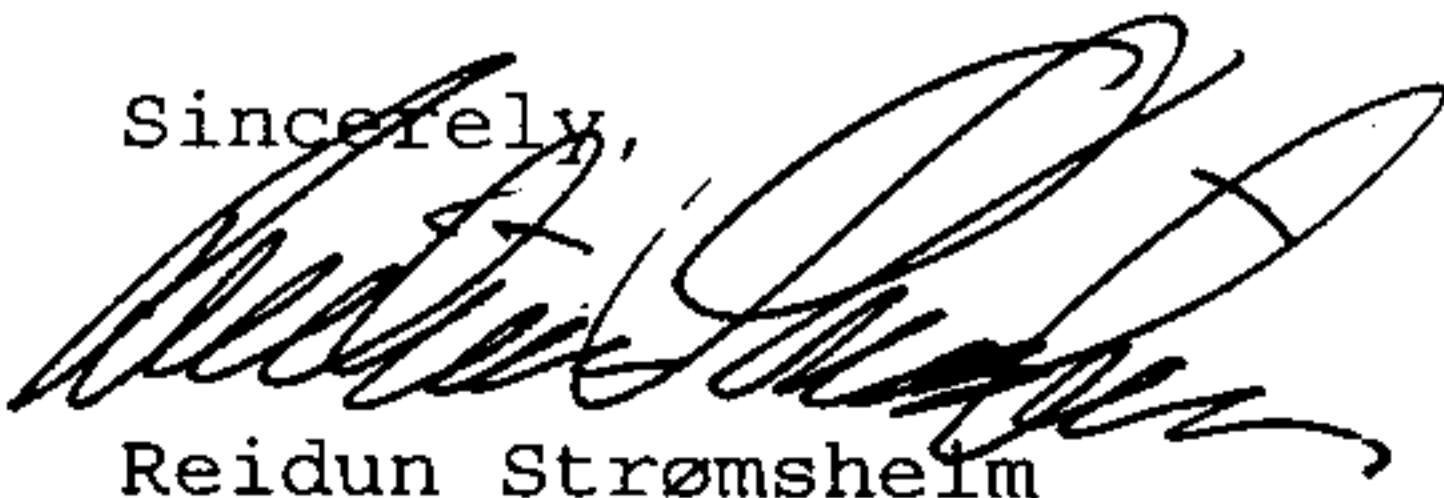
Dear Commission Members:

As a member of the State Bar of California, Debtor-Creditor Committee, and long standing bankruptcy law practitioner, I have am greatly concerned about the proposed split of the 9th Circuit Court of Appeal, which split will divide the State of California. The consequence of the division will be two separate appellate courts in federal cases.

For bankruptcy practitioners, this is most unfortunate. Although bankruptcy law is federal law, most of the substantive law regarding property rights is based on California State Law. Should the circuit be split, the appeals will go to different appellate circuits which are not bound by each other's prior interpretations. This will reduce the predictability in the law. It will create inconsistency as to the rights of California citizens who file for bankruptcy relief in Los Angeles and the rights of those who file in San Francisco. One must presume that the drafters of the proposal to split the circuit have failed to consider this effect. Thus, they have proposed a most undesirable system for the citizens of California.

The 9th Circuit functions well. The practitioners know the law, and the cases are efficiently processed, to the extent that judges are confirmed and ready to handle the case law. The reversal rate by the Supreme Court becomes rather meaningless when one knows how few cases are appealed. It appears that the only effect of the division would be to create new jobs for the additional number of staff that will be required to handle the separate circuits, and to benefit landlords for the new courts that will be needed. The split is not a good idea.

Sincerely,



Reidun Strømsheim