

UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT

ROOM 416, 56 FORSYTH STREET
ATLANTA, GEORGIA 30303

J.L. EDMONDSON
CIRCUIT JUDGE

13 July 1998

Daniel J. Meador, Executive Director
Commission on Structural Alternatives for the
Federal Courts of Appeals
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, NE
Washington, D.C. 20544

Dear Dan:

I am writing to add my comments to the record for consideration by the committee studying the structure of the Courts of Appeals. I hope I am not too late.

If a change in the structure of the Courts of Appeals must be made, I suggest that the change be of this nature: I suggest that the number of United States District Judges be increased and that their statutory duties be expanded to include the hearing of appeals on a regular basis. I then suggest that the ordinary three-judge appellate court panel consist of two circuit judges and a district judge.

To me, the single most important thing for a court of appeals is that it be able to hear and to confer about en banc cases easily and with all active judges of the court participating. The en banc process is critical to enforce uniformity in the circuit's law and to place the sanction of the whole court on cases of exceedingly great public importance. By using district judges regularly as part of the appeals process, the

Page 2 of 2
13 July 1998


number of appeals that can be heard will be increased, and the number of active judges of a court of appeals can be limited. Smaller courts facilitate the en banc process. I also suggest that district judges would likely do even better as trial judges if their regular work included some amount of appellate duty.

Under this proposal, only circuit judges would sit en banc, vote on cases to go en banc, and administratively control the circuit's court of appeals.

If three-judge panels of two circuit judges and one district judge still would not produce enough appellate workers, then I would be prepared to move to appellate panels consisting of two district judges and a circuit judge. Again, only the circuit judges would vote to take cases en banc and would serve on the en banc court. The growth in the judiciary would be at the district court level. The increased numbers of district court judges would, I believe, cause the least disruption in the federal court system and might help it.

By the way, I do not think it is necessary to change the boundaries of the current circuits, except perhaps the Ninth Circuit.

Cordially,



J. L. Edmondson

cc: All Active Judges of Eleventh Circuit