



November 3, 1998

VIA FACSIMILE (202-208-5102)

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

Re: Comments on the Commission's Draft Report

Dear Justice White and Members of the Commission:

As one of the proponents of discrete operating divisions within the Ninth Circuit, I am pleased that the Commission draft report proposes a variation of that approach. I write to support the modifications offered by the Ninth Circuit and by the Ninth Circuit Judicial Counsel, particularly three that were part of my initial submission:

- (1) To reduce conflicts, a decision by a panel within any of the proposed adjudicative divisions should have stare decisis effect throughout the Ninth Circuit.
- (2) To resolve conflicts, a circuit-wide en banc court of 15 judges should be maintained, with a proportionate number of judges from each division, in lieu of separate en banc courts in each division.
- (3) To maintain consistency, panels in each division should be composed of two resident judges and one out-of-division judge assigned randomly.

Very truly yours,


Sanford Svetcov

cc: Jerome I. Braun, Esq.
Cathy Catterson, Esq.

Hills Plaza
350 The Embarcadero
San Francisco, CA
94105-1250
Tel 415 512 8700
Fax 415 512 8750
www.landels.com

Sanford Svetcov
Certified Specialist
in Appellate Law
415 512 4645
sxs@landels.com