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.