



THE BAR ASSOCIATION OF  
SAN FRANCISCO

*Jerry  
Bramm*

**COPY**

February 24, 2005

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The Honorable F. James  
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Chairman, Committee on the  
Judiciary  
United States House of  
Representatives  
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Washington, DC 20515-4905  
Fax: 202/225-3190

The Honorable Lamar S. Smith  
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The Honorable John Conyers, Jr.  
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The Honorable Howard L. Berman  
Ranking Member, Subcommittee on  
Courts, the Internet, and Intellectual  
Property  
Committee on the Judiciary  
United States House of  
Representatives  
2221 Rayburn HOB  
Washington, DC 20515  
Fax: 202/225-3196

**Re: Ninth Circuit Court of Appeals Judgeship and Reorganization  
Act of 2005 (H.R. 211 and 212) – OPPOSE**

Dear Chairman Sensenbrenner, Chairman Smith,  
Ranking Members Conyers and Berman:

I write as President of the Bar Association of San Francisco ("BASF" or "The Association") on behalf of its approximately 8,400 members who practice in Northern California to express our opposition to H.R. 211 and H.R. 212, the most recent proposed legislation to divide the United States Court of Appeals for The Ninth Judicial Circuit.

BASF's members and leadership include attorneys in all practice areas, both civil and criminal, and both public and private. Our charter is to assure representation of the views of bay area attorneys as well as the communities that we serve, and to assure the fair administration of justice in our courts. All of our members practice in the states and territories that comprise the Ninth Circuit, and therefore have a direct interest in this proposed legislation.

The Honorable F. James Sensenbrenner, Jr.  
The Honorable Lamar S. Smith  
The Honorable John Conyers, Jr.  
The Honorable Howard L. Berman  
February 24, 2005  
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We ask that your committees take special consideration of the views of those practicing before the Ninth Circuit.

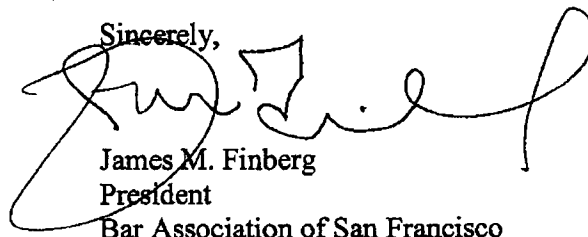
As the White Commission observed in 1998 -- there is still "no persuasive evidence that the Ninth Circuit (or any other circuit, for that matter) is not working effectively, or that creating new circuits will improve the administration of justice in any circuit or overall." The proposed split would, on the other hand, entail substantial costs.

The proposed circuit split is unnecessary and inappropriate, as is demonstrated by the fact that it is not wanted by those who would be most directly affected. The majority of Judges on the Ninth Circuit -- regardless of party affiliation -- oppose a split. Similarly, by every measure used by the federal judicial conference, the parties who use the Court's services -- lawyers and litigants -- currently receive both timely and complete resolution of their claims, often at a faster rate than cases presented to the sister Circuits. There is, in fact, no evidence that the Ninth Circuit's ability to adjudicate matters as quickly or fairly as other Circuits is impaired by its current size. Moreover, to the extent that the Circuit is broad and encompasses a diverse range of political perspectives, this diversity helps assure that its treatment of complex matters is balanced and measured.

In sum, the Ninth Circuit is working well, and is meeting the needs of the communities that it serves. Splitting the circuit would be unnecessary, costly, and unjustified.

Thank you for your attention and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Finberg". The signature is fluid and cursive, with a large loop at the end.

James M. Finberg  
President

Bar Association of San Francisco

JMF:ls

cc: Hon. Dianne Feinstein  
Hon. Barbara Boxer  
Hon. Nancy Pelosi

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