

WEBSITE APPENDIX

<http://www.law.berkeley.edu/barkhtml>

To accompany Article:

The Dog That Did Not Bark: No-Citation Rules. Judicial
Conference Rulemaking. and Federal Public Defenders.

by Stephen R. Barnett,
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TABLE OF CONTENTS

I. KEY TO NAMES AND OFFICE LOCATIONS OF FEDERAL PUBLIC DEFENDER
ATTORNEYS INTERVIEWED FOR ARTICLE

II. SIXTY-TWO FEDERAL PUBLIC DEFENDERS FROM NINTH CIRCUIT WHO
FILED COMMENTS IN RULEMAKING PROCEEDING ON PROPOSED RULE 32.1,
ALL OPPOSING THE RULE

III. THREE TYPES OF LETTERHEADS USED BY NINTH CIRCUIT PUBLIC
DEFENDERS IN COMMENTING ON RULE 32.1

A. Forty-two Comments Submitted on Federal Public Defender Letterheads

B. Eighteen Comments Submitted on E-mail Response Form Provided by
Administrative Office of U.S. Courts.

C. Two Comments Submitted on Personal Letterheads

IV. POSITIONS TAKEN BY FORTY-SEVEN NINTH CIRCUIT JUDGES
FAVORING, OPPOSING, OR FAILING TO COMMENT ON PROPOSED RULE 32.1

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I. KEY TO NAMES AND OFFICE LOCATIONS OF FEDERAL PUBLIC DEFENDER
ATTORNEYS INTERVIEWED FOR ARTICLE

Defender	Name and City
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FIRST CIRCUIT:

I-A: Judith Mizner, Boston
I-B: Chris Goddu, Boston

THIRD CIRCUIT:

III-A: David McColgin, Philadelphia
III-B: Karen Gerlach, Pittsburgh
III-C: John Yauch, Newark
III-D: Jonathan Pignoli, Wilmington, Del.

FOURTH CIRCUIT:

IV-A: Name and location withheld at attorney's request
IV-B: Robert Wagner, Richmond, Va.
IV -C: John Dusenbury, Greensboro, S.C.
IV- D: Betsy Flagg, Winston-Salem, N.C.
IV - E: Parks N. Small, Columbia, S.C.

FIFTH CIRCUIT:

V-A: Name and location withheld at attorney's request
V-B: Brent Newton, Houston
V-C: Ira R. Kirkendoll, Dallas
V-D: Timothy Crooks, Houston
V-E: John Craft, New Orleans

SIXTH CIRCUIT:

VI-A: Andrew Wise, Detroit
VI-B: Ransom Hudson, Cincinnati
VI-C: Gordon Hobson, Columbus, Ohio
VI-D: Steven Nolder, Columbus, Ohio
VI-E: Jude Lenahan, Nashville
VI-F: Dennis Terez, Cleveland

EIGHTH CIRCUIT:

VIII-A: David Hemingway, S1. Louis
VIII-B: Virginia Villa, Minneapolis
VIII-C: Travis Poindexter, Kansas City
VIII-D: John Messina, Des Moines
VIII - E: Omar Greene, Little Rock

TENTH CIRCUIT:

- X-A: Scott Wilson, Salt Lake City
- X-B: Teresa Brown, Oklahoma City
- X-C: Carolyn Marion, Albuquerque
- X-D: Jill Wichlens, Denver

ELEVENTH CIRCUIT

- XI-A: Paul Kish, Atlanta
- XI-B: Timothy Saviello, Atlanta
- XI-C: Jacqueline Shapiro, Miami
- II-D: Name and location withheld at request of attorney

DISTRICT OF COLUMBIA CIRCUIT

- DC-A: A.J. Kramer, Washington, D.C.

II. SIXTY-TWO FEDERAL PUBLIC DEFENDERS FROM NINTH CIRCUIT WHO FILED COMMENTS IN RULE MAKING PROCEEDING ON PROPOSED RULE 32.1, ALL OPPOSING THE RULE

The defenders who filed comments are identified here by name and Public Comment number. (To trace the Numbers, see the "Index" cited in the Article at note 42.) All sixty-two comments opposed Rule 32.1. See the Article, supra, at notes 87, 163-174.

03-AP-I02	Rachelle D. Barbour	13-Jan-04	Sacramento (CA)
003-AP-114	Matthew C. Winter	14-Jan-04	San Diego (CA)
03-AP-115	Michelle Villasenor-Grant	14-Jan-04	San Diego (CA)
03-AP-124	Samuel Richard Rubin, Esq.	16-Jan-04	Boise (Idaho)
03-AP-138	Andrew K. Nietor, Esq.	23-Jan-04	San Diego (CA)
03-AP-139	James H. Locklin, Esq.	23-Jan-04	Los Angeles (CA)
03-AP-159	Allison Claire, Esq.	21-Jan-04	Sacramento (CA)
03-AP-160	Lara A. Bazelon, Esq.	22-Jan-04	Los Angeles (CA)
03-AP-162	Davina T. Chen, Esq.	22-Jan-04	Washington D.c.
03-AP-165	Monica Knox, Esq.	22-Jan-04	Los Angeles (CA)
03-AP-168	Mary E. Kelly, Esq.	23-Jan-04	Los Angeles (CA)
03-AP-171	Karyn H. Bucur, Esq.	26-Jan-04	(CA)
03-AP-172	Carlton F. Gunn, Esq.	26-Jan-04	Los Angeles (CA)
03-AP-173	Kurt D. Hermansen, Esq.	26-Jan-04	Not provided.
03-AP-177	Kara B. Persson, Esq.	26-Jan-04	San Diego (CA)
03-AP-179	Evan A. Jenness, Esq.	26-Jan-04	Los Angeles (CA)
03-AP-181	Diane M. Regan, Esq.	27-Jan-04	San Diego (CA)
03-AP-184	Chase A. Scolnick, Esq.	27-Jan-04	(CA)
03-AP-190	Timothy A. Scott, Esq.	27-Jan-04	San Diego (CA)
03-AP-191	Jerald L. Brainin, Esq.	27-Jan-04	Los Angeles (CA)
03-AP-194	Craig Wilkie, Esq.	28-Jan-04	Santa Ana (CA)
03-AP-195	Myra Sun, Esq.	28-Jan-04	Santa Ana (CA)
03-AP-199	Michael Tanaka, Esq.	28-Jan-04	Los Angeles (CA)
03-AP-237	Mary French	2-Feb-04	Sacramento (CA)
03-AP-240	Bruce Livingston, Esq.	3-Feb-04	Idaho
03-AP-246	Judy Clarke, Esq.	2-Feb-04	San Diego (CA)
03-AP-248	Oswald Parada, Esq.	3-Feb-04	Riverside (CA)
03-AP-251	Hoyt Y. Sze, Esq.	3-Feb-04	Santa Ana (CA)
03-AP-256	Michael Garcia, Esq.	3-Feb-04	Los Angeles (CA)
03-AP-279	Shereen J. Chadick, Esq.	5-Feb-04	San Diego (CA)
03-AP-287	Mario G. Conte, Esq.	6-Feb-04	San Diego (CA)
03-AP-303	Franny A. Forsman, Esq.	9-Feb-04	Las Vegas (NY)
03-AP-305	Manuel U. Araujo, Esq.	9-Feb-04	Riverside (CA)

03-AP-312	Quin Denvir, Esq.	9-Feb-04	Sacramento (CA)
03-AP-320	Cynthia S. Hahn, Esq.	10- Feb-04	Reno (Nevada)
03-AP-338	Jennifer Schlotterbeck, Esq.	12-Feb-04	Las Vegas (NV)
03-AP-340	Jason F. Carr, Esq.	12-Feb-04	Las Vegas (NV)
03-AP-342	Randall S. Lockhart, Esq.	12-Feb-04	Las Vegas (NV)
03-AP-344	Lisa Hay, Esq.	12-Feb-04	Portland (Oregon)
03-AP-354	Michael K. Powell, Esq.	13-Feb-04	Reno (Nevada)
03-AP-355	David M. Porter, Esq.	13-Feb-04	Sacramento (CA)
03-AP-357	Michael J. Kennedy, Esq.	13-Feb-04	Las Vegas (NV)
03-AP-371	Steven T. Wax, Esq.	14- Feb-04	Portland (Oregon)
03-AP-377	Peter C. Wolff, <i>Jf.</i> , Esq.	13-Feb-04	Honolulu (Hawaii)
03-AP-378	Alexander Silvert, Esq.	13-Feb-04	Honolulu (Hawaii)
03-AP-383	Ellen Callahan, Esq.	13-Feb-04	Reno (Nevada)
03-AP-384	Thomas W. Hillier, II, Federal Public Defender	14-Feb-04	Seattle (W A)
03-AP-385	James S. Gifford, Esq.	14-Feb-04	Honolulu (Hawaii)
03-AP-386	Roger James Peven, Esq.	14- Feb-04	Spokane (WA)
03-AP-388	Stephen R. Hormel, Esq.	14-Feb-04	Spokane (WA)
03-AP-390	Michael Pescetta, Esq.	14- Feb-04	Las Vegas (NY)
03-AP-413	Maria E. Stratton, Esq.	17-Feb-04	Los Angeles (CA)
03-AP-436	Barry J. Portman, Esq.	17-Feb-04	San Francisco (CA)
03-AP-442	Anne Walstrom, Esq.	17-Feb-04	Yakima (Washington)
03-AP-443	Ben Hernandez, Esq.	17 - Feb-04	Yakima (Washington)
03-AP-445	Nicholas V. Vieth, Esq.	17-Feb-04	Idaho Eastern Washington
03-AP-446	Rebecca L. Pennell, Esq.	17-Feb-04	Yakima (Washington)
03-AP-453	Anne R. Traum, Esq.	17-Feb-04	Las Vegas (NV)
03-AP-459	Rich Curtner, Esq.	17-Feb-04	Anchorage (Alaska)
03-AP-461	Katina Whalen	17-Feb-04	Sacramento (CA)
03-AP-474	Steven F. Hubachek, Esq.	18- Feb-04	San Diego (CA)
03-AP-485	Jeffrey A. Aaron, Esq.	22-J an-04	Riverside (CA)

III. THREE TYPES OF LETTERHEADS USED BY NINTH CIRCUIT DEFENDERS IN COMMENTING ON RULE 32.1

See the Article, supra, at pages 1542-1544. Of 62 comments on Rule 32.1 from defenders in the Ninth Circuit, 42 were submitted on official letterheads of public defender offices; 18 were submitted on the e-mail response form for rulemaking comments provided by the Administrative Office of the Courts; and two were submitted on personal letterheads. Id.

A. Forty-two Comments Submitted on Federal Public Defender Letterheads:

03-AP-124	Samuel Richard Rubin, Esq.	16-Jan-04	Boise (Idaho)	Federal Defenders of Eastern Washington and Idaho
03-AP-160	Lara A. Bazelon, Esq.	22-Jan-04	Los Angeles (CA)	Central District of California
03-AP-172	Carlton F. Gunn, Esq.	26-Jan-04	Los Angeles (CA)	Central District of California
03-AP-179	Evan A. Jenness, Esq.	26-Jan-04	Los Angeles (CA)	Central District of California
03-AP-194	Craig Wilkie, Esq.	28-Jan-04	Santa Ana (CA)	Central District of California
03-AP-195	Myra Sun, Esq.	28-Jan-04	Santa Ana (CA)	Central District of California
03-AP-199	Michael Tanaka, Esq.	28-Jan-04	Los Angeles (CA)	Central District of California
03-AP-246	Judy Clarke, Esq.	2-Feb-04	San Diego (CA)	Federal Defenders of San Diego
03-AP-248	Oswald Parada, Esq.	3-Feb-04	Riverside (CA)	Central District of California
03-AP-251	Hoyt Y. Sze, Esq.	3-Feb-04	Santa Ana (CA)	Central District of California
03-AP-256	Michael Garcia, Esq.	3-Feb-04	Los Angeles (CA)	Central District of California
03-AP-279	Shereen J. Chadick, Esq.	5-Feb-04	San Diego (CA)	Federal Defenders of San Diego
03-AP-287	Mario G. Conte, Esq.	6-Feb-04	San Diego (CA)	Federal Defenders of San Diego
03-AP-303	Franny A. Forsman, Esq.	9-Feb-04	Las Vegas (NV)	Federal Public Defenders District of Nevada
03-AP-305	ManuelU Araujo, Esq.	9-Feb-04	Riverside (CA)	Central District of California

03-AP-312	Quin Denvir, Esq.	9- Feb- 04	Sacramento (CA)	Central District of California
03-AP-320	Cynthia S. Hahn, Esq.	10- Feb- 04	Reno (Nevada)	Federal Public Defenders District of Nevada
03-AP-338	Jennifer Schlotterbeck, Esq.	12- Feb- 04	Las Vegas (NV)	Federal Public Defenders District of Nevada
03-AP-340	Jason F. Carr, Esq.	12- Feb- 04	Las Vegas (NV)	Federal Public Defenders District of Nevada
03-AP-342	Randall S. Lockhart, Esq.	12- Feb- 04	Las Vegas (NV)	Federal Public Defenders District of Nevada
03-AP-344	Lisa Hay, Esq.	12- Feb- 04	Portland (Oregon)	Federal Public Defenders District of Oregon
03-AP-354	Michael K. Powell, Esq.	13- Feb- 04	Reno (Nevada)	Federal Public Defenders District of Nevada
03-AP-355	David M. Porter, Esq.	13- Feb- 04	Sacramento (CA)	Center District of California
03-AP-357	Michael J. Kennedy, Esq.	13- Feb- 04	Las Vegas (NV)	Federal Public Defenders District of Nevada
03-AP-371	Steven T. Wax, Esq.	14- Feb- 04	Portland (Oregon)	Federal Public Defenders District of Oregon
03-AP-377	Peter C. Wolff, Jr., Esq.	13- Feb- 04	Honolulu (Hawaii)	Federal Public Defenders District of Hawaii
03-AP-378	Alexander Silvert, Esq.	13- Feb- 04	Honolulu (Hawaii)	Federal Public Defenders District of Hawaii
03-AP-383	Ellen Callahan, Esq.	13- Feb- 04	Reno (Nevada)	Federal Public Defenders District of Nevada
03-AP-384	Thomas W. Hillier, II, Federal Public Defender	14- Feb- 04	Seattle (WA)	Federal Public Defenders Western District of Washington
03-AP-385	James S. Gifford, Esq.	14- Feb- 04	Honolulu (Hawaii)	Federal Public Defenders District of Hawaii

03-AP-386	Roger James Peven, Esq.	14-Feb-04	Spokane (WA)	Federal Defenders of Eastern Washington and Idaho
03-AP-388	Stephen R. Hormel, Esq.	14-Feb-04	Spokane (WA)	Federal Defenders of Eastern Washington and Idaho
03-AP-390	Michael Pescetta, Esq.	14-Feb-04	Las Vegas (NV)	Federal Public Defenders District of Nevada
03-AP-413	Maria E. Stratton, Esq.	17-Feb-04	Los Angeles (CA)	Central District of California. 040
03-AP-436	Barry J. Portman, Esq.	17-Feb-04	San Francisco (CA)	Northern District of California
03-AP-442	Anne Walstrom, Esq.	17-Feb-04	Yakima (Washington)	Federal Defenders of Eastern Washington and Idaho
03-AP-443	Ben Hernandez, Esq.	17-Feb-04	Yakima (Washington)	Federal Defenders of Eastern Washington and Idaho
03-AP-445	Nicholas V. Vieth, Esq.	17-Feb-04	Idaho Eastern Washington	Federal Defenders of Eastern Washington and Idaho
03-AP-446	Rebecca L. Pennell, Esq.	17-Feb-04	Yakima (Washington)	Federal Defenders of Eastern Washington and Idaho
03-AP-459	Rich Curtner, Esq.	17-Feb-04	Anchorage (Alaska)	Federal Public Defenders District of Alaska
03-AP-474	Steven F. Hubachek, Esq.	18-Feb-04	San Diego (CA)	Federal Defenders of San Diego
03-AP-485	Jeffrey A. Aaron, Esq.	22-Jan-04	Riverside (CA)	Central District of California

B. Eighteen Comments Submitted on E-mail Response Form Provided by Administrative Office of the courts.

03-AP-102	Rachelle D. Barbour	13-Jan-04	Sacramento (CA)
03-AP-114	Matthew C. Winter	14-Jan-04	San Diego (CA)
03-AP-115	Michelle Villasenor-Grant	14-Jan-04	San Diego (CA)
03-AP-138	Andrew K. Nietor, Esq.	23-Jan-04	San Diego (CA)
03-AP-139	James H. Locklin, Esq.	23-Jan-04	Los Angeles (CA)
03-AP-159	Allison Claire, Esq.	21-Jan-04	Sacramento (CA)
03-AP-165	Monica Knox, Esq.	22-Jan-04	Los Angeles (CA)
03-AP-168	Mary E. Kelly, Esq.	23-Jan-04	Los Angeles (CA)
03-AP-173	Kurt D. Hermansen, Esq.	26-Jan-04	Not provided
03-AP-177	Kara B. Persson, Esq.	26-Jan-04	San Diego (CA)
03-AP-181	Diane M. Regan, Esq.	27-Jan-04	San Diego (CA)
03-AP-184	Chase A. Scolnick, Esq.	27-Jan-04	(CA)
03-AP-190	Timothy A. Scott, Esq.	27-Jan-04	San Diego (CA)
03-AP-191	Jerald L. Brainin, Esq.	27-Jan-04	Los Angeles (CA)
03-AP-237	Mary French	2-Feb-04	Sacramento (CA)
03-AP-240	Bruce Livingston, Esq.	3-Feb-04	Idaho
03-AP-355	David M. Porter, Esq.	13-Feb-04	Sacramento (CA)
03-AP-46 I	Katina Whalen	17-Feb-04	Sacramento (CA)

C. Two Comments Submitted by Public Defenders on Personal Letterheads

03-AP-162 Davina T. Chen, Esq.

03-AP-171 Karyn H. Bucur, Esq.

IV. POSITIONS TAKEN BY FORTY-SEVEN ACTIVE OR SENIOR NINTH
CIRCUIT JUDGES FAVORING, OPPOSING, OR FAILING TO COMMENT ON
PROPOSED RULE 32.1

A. Thirty-Eight Judges Who Filed Comments Opposing the Rule

Alarcon
Bea
Beezer
Berzon
Boochever
Browning
Bybee
Callahan
Canby
Farris
Ferguson

Fernandez
Fisher
William Fletcher
Goodwin
Graber
Holcomb Hall
Hawkins
Hug
Kozinski
Leavy
McKewn
Dorothy Nelson
Thomas Nelson
Noonan
O'Scannlain
Paez
Reinhardt
Rymer
Silverman
Skopil
Sneed
Tallman
Thomas
Thompson
Trott
Wallace
Wardlaw

B. One Judge Who Filed a Comment Favoring the Rule
Tashima

C. Eight Ninth Circuit Judges Not Commenting

Schroeder

Ferguson

Kleinfeld

Gould

Clifton

Rawlinson

Betty Fletcher

Brunetti