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Letters,  
9th U.S. Circuit Court Of Appeals  
Oct. 28, 2014

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# Reversal column left out an important fact

Lawrence Waddington's Oct. 22 column failed to mention an important fact: The 9th Circuit is the largest federal circuit - by far.



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## Attachments



Lawrence Waddington's Oct. 22 column, "Supreme Court reverses 9th Circuit again, and again," failed to mention an important fact: The 9th U.S. Circuit Court of Appeals is the largest federal circuit - by far. It fields the largest number of appeals and handles a proportionately larger number of cases. It should come as no surprise that the Supreme Court accepts more opinions from the 9th Circuit for review. We simply ask our judicial system to resolve more controversial and difficult conflicts (abortion, gay rights, religion, First Amendment issues, and state's rights) than any other circuit.

California is home to one of every nine people living in America; second place Texas is not even close, and many of the remaining states cannot even compare to Los Angeles County. Moreover, California's population is the world's most diverse. No race or ethnic group constitutes a majority of the state's population.

Left untold are the thousands of opinions that are not reviewed, and for all practical purposes, remain the final word. See Frederick Schauer, "Giving Reasons," 47 Stan. L. Rev. 633 (1995). During the October 2013 term, the Supreme Court accepted two cases from the 3rd Circuit. Both were reversed. Does that mean that the 3rd Circuit is 100 percent wrong and is a "judicial hellhole"? Likewise, the Supreme Court reversed the only two cases it accepted from the 8th Circuit - an effective 100 percent reversal rate. During this same period, the 9th Circuit has just 12 cases out of the thousands accepted for review. 12.

To put the statistics in perspective we need to know the full story. The fact is, the 9th Circuit handled thousands of cases out of which only a handful were accepted for review. Sounds like a pretty good record to me. So while it may grab headlines to note how "liberal and reversed" (read: "wrong") the 9th Circuit is in the eyes of the nation, we need some real perspective. In fact, most of us could only wish that we would get reversed on appeal at the same total case rate as the 9th Circuit.

#304389

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Oct. 23, 2014

By Lawrence Waddington

