

From: [Roger C. Goble](#)
To: [Amy Bowne](#)
Subject: Rule 23 revision
Date: Friday, June 12, 2020 2:10:52 PM

To the rules committee of the Illinois Supreme Court:

I support the complete repeal of Rule 23. The prohibition of citation of non published decisions is frequently circumvented by treating the opinion in the same way that a law review citation would be treated. One concedes that it is not binding authority but argues that it's still persuasive and if the decision is well written or very closely aligns with your facts, courts tend to consider the content. Judges are reluctant to say that they are ignoring unpublished decisions because they know that it has the same effect as instructing the jury to ignore testimony they just heard.

I'm afraid appellate judges also use Rule 23 as a basis for summarily disposing of challenging issues and sweeping them under the rug , legally speaking.

The rationalization that the collections of decisions he has become overwhelming in size so that a full set of any Reporter series takes up an enormous amount of space, while true once, no longer has any weight. Decisions don't go away simply because judges determin they should not be published. Rule 23 is an anachronism. It should be repealed.

Respectfully

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