

DISSENT from D.C. Colo.LAPR 10.3 and 16.7

I do not agree with the inclusion of cases commenced under 5 U.S.C. §706 for review of an action or final decision of an administrative agency, board, commission or officer in the scope of Section III -AP Rules. Given expansion of the regulatory state and the increasing complexity of the authority of administrative agencies it is my view that the management of these cases from the date of filing should be directed by the district judge who will have responsibility for adjudication of the presented issues. The issues may include questions which go beyond a limited review of an administrative record. Accordingly cases filed under 5 U.S.C. §706 should be assigned by random selection, permitting the assigned judge discretion in directing the procedure to be followed in developing the case for final judgment.

To this extent I dissent from the adoption of the amendments to the local rules but will, of course be required to follow the rules.

I am authorized to say that Senior Judge Lewis T. Babcock concurs in this dissent.