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The underlining in the html posting does not appear.

The change appears to be a needed one. An interlocutory order which is erroneous as a matter of law in the Board's view should not have an abuse of discretion standard applied. The purpose of the interlocutory motions attorneys is to help the Board expeditiously move appeal and interferences to resolution, but that should not be at the expense of wrong decisions where the law is misapplied. I agree that keeping procedural interlocutory orders should still be subject to the abuse of discretion standard to avoid parties taking resolved procedural matters to hearing and thus defeating the intent of expeditiously resolving Board cases. It is a necessary compromise to allow the Board to function. Not applying abuse of discretion standards to procedural matters would end up being more unfair to both the Board and the parties due to the increased delays in resolution that would seem to inevitably result. This continuation of the abuse of discretion standard to will, of course, continue to place emphasis on proper procedure by parties and thus place importance on use of skilled advocates. Again, that is probably in the interest of all concerned.

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