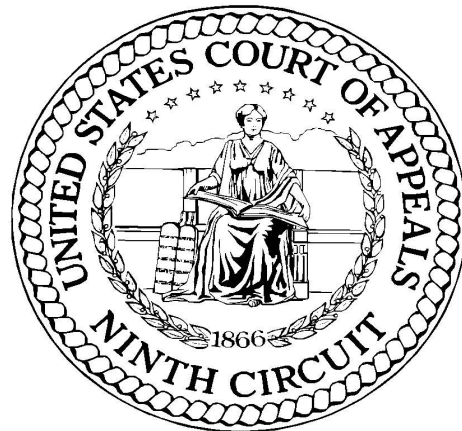


*NINTH CIRCUIT COURT OF APPEALS*

# STANDARDS OF REVIEW

*SEPTEMBER 2004*



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**OUTLINE**

**STANDARDS OF REVIEW**

**NINTH CIRCUIT COURT OF APPEALS**

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The Ninth Circuit's Standards of Review Outline was first produced in 1984 and has been published annually since 1990. This edition replaces those issued in prior years. The outline is organized by subject matter. An introductory section defines the several standards of review and illustrates their various applications. Criminal and civil appeals are separated, with each section containing standards pertaining to pre-trial, trial and post-trial decisions made by the district court. Finally, administrative appeals are discussed with introductory topics and then agency by agency. Please note that this outline is not intended to express the position of the Ninth Circuit. Users are strongly encouraged to read the cases and conduct independent research. Cases may be withdrawn, amended or overruled.

## ACKNOWLEDGMENTS

My sincere thanks to the many individuals who have aided me over the years in my tasks to update and to publish this outline. And my special thanks, of course, to Judge Skopil, who not only strongly encourages the product, but also arranges his court duties and case load to allow me to research and prepare each year's edition.

Other judges and their staffs over the years have commented on the outline, suggesting useful changes and additions. Some have pointed to errors and omissions, for which I accept responsibility. Comments are strongly solicited from all users. I can be reached by phone: (503-326-8390); by electronic mail ([tom\\_carter@ca9.uscourts.gov](mailto:tom_carter@ca9.uscourts.gov)) or by mail (807 United States Courthouse, 1000 SW Third Ave., Portland, OR 97204).

I hope the outline proves useful to you.

Tom Carter  
9/04