

# ***Opting into Precedents***

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The Federal Circuit's management of its precedents is largely a function of the substantial discretion exercised by its three-judge panels in designating opinions as precedential or nonprecedential. This discretion is exercised largely without any credible mechanism for accountability, given the rarity of en banc sittings and Supreme Court review. This Article proposes a mechanism for introducing greater accountability in the management of Federal Circuit precedents. Because the problem of managing precedents exists to varying degrees in all court systems—both federal and state—the proposed solution could have broader applications beyond the Federal Circuit.