

the text is somewhat repetitive, and breaks the December 14, 1983

Mr. Justice:

Re: Migra,

I think that this opinion is ready to go. Let me explain the suggestions and changes that I have indicated.

--Throughout the draft, except within quotations, I have changed the terms res judicata and collateral estoppel to claim preclusion and issue preclusion. If you think that the other Justices will object to the use of the new terminology, I can change it back. Alternatively, we can wait and see what the other Justices say.

--Footnote #1 explains the terminology used in the opinion. If you think that the discussion is too long and dense, let me know and I can shorten it.

--Line 167. I have indicated a place to put the footnote that was in your original draft discussing the treatment of claim preclusion in the federal courts. I think that the footnote is useful and that it ought to appear somewhere in the opinion.

--Line 220. Footnote 6 discusses the Eleventh Amendment issue; it did not do so when it was first written, and that was why I included a mention of the Eleventh Amendment issue in text. Now that the issue is discussed in the footnote, mention of it in

the text is somewhat repetitive, and breaks the flow of the paragraph.

RB