

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

*See note to Harry
letter 9 re awaiting
P.R.W.'s answer*

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December 19, 1983

Re: No. 82-738 Migra v. Warren City School District

Dear Harry:

DRAFT

I will await Byron's writing in this case.

Sincerely,

Wm

ETHEL D. MIGRA, PETITIONER v. WARREN CITY
JUSTICE BLACKMUN TRICT BOARD OF EDUCATION ET AL.

cc: The Conference

(December —, 1983)

JUSTICE BLACKMUN delivered the opinion of the Court.

This case raises issues concerning the claim preclusive effect of a state-court judgment in the context of a subsequent suit, under 42 U. S. C. §§ 1983 and 1985, in federal court.

The preclusive effects of former adjudications are discussed in varying and, at times, seemingly conflicting terminology attributable to the evolution of preclusion concepts over the years. These effects are referred to collectively by most commentators as the doctrine of "res judicata." See Restatement (Second) of Judgments, Introductory Note before ch. 2 (1965) in C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure § 4402 (1981). Res judicata is often analyzed further to consist of two preclusion concepts: "claim preclusion" and "issue preclusion." Claim preclusion refers to the effect of a judgment in foreclosing relitigation of a matter that has been litigated and decided. See Restatement, supra, § 27. This effect also is referred to as "total preclusion" or "bar." Issue preclusion refers to the effect of a judgment in preventing relitigation of a matter that never has been litigated, although it has been litigated that it should have been litigated. See Restatement, supra, § 28. Issue preclusion is also referred to as "collateral estoppel." The Court, in this case, is concerned with the claim preclusive effect of a state-court judgment in a federal court.

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