

10-14-83

The Chief Justice +

Apply v. St. res. just law
Letter def. who abro law bars
Fed. cts. bound + gi + sa. ans.
no remand see

Brennan, J. Vac

So fed. ct. bound + follow St. res. just. pms
D. Ct. S. ho. applied Ohio law
" did n. expressly apply Ohio law
" remand + ho. but say how it applies
and n. apply any fed. rule w. + 1738

White, J. +

DJ did n. look at St. law, Ct. ho.
1738 did n. fed. fed. cts. for apply
under fed. rule

if state law + b. applied, we did
rem. + I. and go along

Marshall, J. + ???

+

Powell, J. +

Allen & Kramer central
An argmt + remand, but apply fed
preclusion rule for uniformity
We did in later case + @ Q's rule
v. usual preclusion

Rehnquist, J. +

? v fed component can a state
+ St rule is tenable poss

Stevens, J. Vac

DJ applied what it that was + fed rule
But 1738 speaks + St rule
To apply fed is inconsistent with
Allen & Kramer
@ C L U too extreme
Loosely to St law is what we've done
Our cases require loosely to St law
1738 + apply
St law in favor of D.
∴ say 1738 applies + Vac

O'Connor, J. +

1738 contempts applies v St law
@ cite of Cojim - at least a root
Vac OK too