

November 11, 1977

75-1914 Monell v. Dept. of Social Services

Dear Chief:

As you will recall, my vote to reverse in the above case was about as tentative as a vote can be.

Since the Conference, I have devoted further time to the case with the hope of firming up a position one way or the other. I find this area of the law (1983 and the related issues of immunity) to be wholly unsatisfactory. In any event, I am not at rest, and wanted you - and members of the Conference - to know this before assignments are made.

My notes indicate that you and Potter also passed. This suggests the absence of a Court at this time. If any Justice is disposed to circulate a memorandum, I am sure I would find it helpful.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference