

The Burger Court Opinion Writing Database

Perkins v. Standard Oil Co. of California
399 U.S. 222 (1970)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University
Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

June 15, 1970

Re: Nos. 1507 & 1556 - Perkins v. Standard Oil

Dear Potter:

If I participate to make a quorum, I will join
your per curiam of June 12, 1970.

Regards,

A handwritten signature in cursive script, appearing to read "Lewis F. Powell".

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 12, 1970

RE: Nos. 1507 and 1556 - Perkins v. Standard
Oil Co.

Dear Potter:

I agree with your Per Curiam in the above
case.

Sincerely,



W. J. B. Jr.

Mr. Justice Stewart

cc: The Conference

Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

2

From: S. T.

JUN 12 1970

SUPREME COURT OF THE UNITED STATES

October Term, 1969

PERKINS v. STANDARD OIL

APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

Nos. 1507 and 1556. Decided June —, 1970

PER CURIAM.

Following his success in this Court in *Perkins v. Standard Oil Co.*, 395 U. S. 642, the petitioner filed in the District Court for the District of Oregon an application for allowance of attorneys' fees, pursuant to § 4 of the Clayton Act,* for legal services performed during the appellate stages of this litigation, both in the Court of Appeals and in this Court. The District Court denied the application, ruling that § 4 did not authorize the allowance of attorneys' fees for services performed in connection with appellate proceedings.

Petitioner appealed this decision to the Court of Appeals and simultaneously filed in that court two separate applications for attorneys' fees for legal services performed there and in this Court. The Court of Appeals denied the latter application, believing that our mandate in *Perkins*, by not mentioning attorneys' fees, was intended to preclude an award of such fees.

The District Court was in error in holding that § 4 does not authorize the award of counsel fees for legal services performed at the appellate stages of a successfully prosecuted private antitrust action. Both the language and purpose of § 4 make that construction

*That section provides in pertinent part as follows:

"Any person injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States . . . and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee." 15 U. S. C. § 15.

See p. 2

The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan ✓
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

SUPREME COURT OF THE UNITED STATES

October Term, 1969

PERKINS v. STANDARD OIL

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June 12, 1970

Re: Nos. 1507 & 1556 - Perkins v.
Standard Oil

Dear Potter:

Please join me.

Sincerely,

B.R.W.

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 18, 1970

Re: Nos. 1507 and 1556 - Perkins
v. Standard Oil

Dear Potter:

Please join me in your per curiam.

Sincerely,


T.M.

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 12, 1970

Re: Nos. 1507 & 1556 - Perkins v. Standard Oil

Dear Byron:

If I am "in" this appeal, please join me. My notes indicate that it was Mr. Justice Harlan who took no part. Am I wrong?

Sincerely,

H. A. B.

Mr. Justice White

cc: The Conference