

The Burger Court Opinion Writing Database

Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Ware

414 U.S. 117 (1973)

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

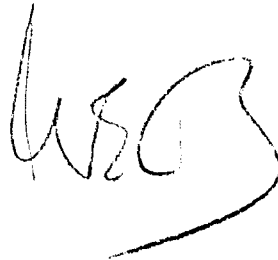
November 29, 1973

Re: 73-312 - Merrill Lynch, Pierce, Fenner & Smith
v. Ware

Dear Harry:

Please join me.

Regards,

A handwritten signature in dark ink, appearing to be 'WSC' followed by a large, sweeping flourish that extends downwards and to the right.

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

November 26, 1973

Dear Harry:

Please join me in your opinion
in 72-312, Merrill, Lynch v. Ware.



William O. Douglas

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR. November 28, 1973

RE: No. 72-312 Merrill Lynch, Pierce, etc.
v. Ware

Dear Harry:

I also give up. Please join me.

Sincerely,

Bice

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

November 28, 1973

72-312 - Merrill Lynch v. Ware

Dear Harry,

I should appreciate your adding the following at the foot of your opinion for the Court in this case:

MR. JUSTICE STEWART took no part in the decision of this case.

Sincerely yours,

PS
/

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

November 27, 1973

Re: No. 72-312 - Merrill Lynch, Pierce, Fenner
& Smith Inc. v. Ware

Dear Harry:

I give up. Join me please.

Sincerely,



Mr. Justice Blackmun

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

November 28, 1973

Re: No. 72-312 -- Merrill Lynch, Pierce, Fenner & Smith, Inc.,
v. Ware et al.

Dear Harry:

Please join me in your opinion.

Sincerely,


T.M.

Mr. Justice Blackmun

cc: The Conference

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan ✓
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Powell
Mr. Justice Rehnquist

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-312

From: Blackmun, J.

Circulated: 11/1/73

Recirculated: _____

Merrill Lynch, Pierce, Fenner & Smith, Inc., Petitioner.	} On Writ of Certiorari to the Court of Appeal of California, First Appel- late District.
David Ware et al.	

[December — 1973]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case presents the question whether certain rules of the New York Stock Exchange, promulgated as self-regulating measures pursuant to § 6 of the Securities Exchange Act of 1934, 15 U. S. C. § 78f, and a broker's employee's pledge to abide by those rules, pre-empt avenues of wage relief otherwise available to the employee under state law. The California Court of Appeal answered this in the negative. 24 Cal. App. 3d 35, 100 Cal. Rptr. 791 (1972). Because of the significance of the question in the area of federal-state relations, we granted certiorari. 410 U. S. 908 (1973).

I

Respondent David Ware in July 1958 entered the employ of petitioner Merrill Lynch, Pierce, Fenner & Smith, Inc., a New York corporation, as a registered representative or "account executive" in the petitioner's San Francisco office. Ware worked there continuously until March 1969 when he voluntarily terminated that relationship and accepted a similar position in San Francisco with one of Merrill Lynch's competitors.

177-8.17.18.22

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan ✓
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

From: Blackmun, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

Recirculated: 11/29/73

No. 72-312

Merrill Lynch, Pierce, Fenner & Smith, Inc., Petitioner, v. David Ware et al.	} On Writ of Certiorari to the Court of Appeal of California, First Appel- late District.
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[December —, 1973]

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

November 28, 1973

No. 72-312 Merrill Lynch, Pierce, etc. v. Ware

Dear Harry:

Please join me.

Sincerely,

Mr. Justice Blackmun

cc: The Conference

LFP/gg

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

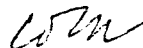
November 28, 1973

Re: No. 72-312 - Merrill Lynch, et al., v. Ware

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

Copies to the Conference