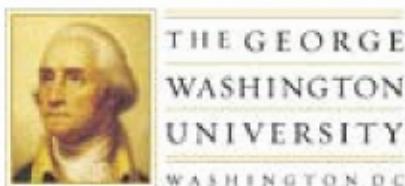


The Burger Court Opinion Writing Database

Trimble v. Gordon

430 U.S. 762 (1977)

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



Wm. T. King

Re: 75-5952 - Trimble v. Gordon

To: Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Black
 Mr. Justice Powell
 Mr. Justice Rehnquist
 Mr. Justice Stevens

From: The Chief Justice

Circulated: APR 22 1976

Recirculated: _____

MR. CHIEF JUSTICE BURGER, dissenting.

Appellee Ethel Mae King has filed a motion for leave to proceed in forma pauperis accompanied by her affidavit and an affidavit executed ^{1/} by her spouse with whom she resides. Appellee states that she cannot afford the cost of printing the brief for appellees in this matter because her expenses consume her income and hence asks that the government pay the printing costs.

According to the affidavits accompanying this motion, appellee King and her spouse are both gainfully employed. Appellee and her spouse receive a weekly net income of \$119.06 and \$190.00 respectively; their aggregate annual net income amounts to \$16,071.12. Mr. King claims that he is required to spend \$100.00 each month for medication and accepting that as true, nevertheless appellee and her spouse are still left with a net annual income of approximately \$15,000. Without more, this

1/

Appellee King's spouse is not a party to this suit.

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 22, 1976

Re: No. 75-5952 - Trimble v. Gordon

Dear Chief:

Please join me in your proposed dissent from the granting
of the appellee's motion.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 22, 1976

No. 75-5952 Trimble v. Gordon

Dear Chief:

I will be happy to join your dissent if you omit the last paragraph.

As too many unprinted briefs of marginal legibility already are being filed, I do not want to encourage typewritten or other means of reproduction short of the printed brief.

Sincerely,



The Chief Justice

LFP/gg

CC: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 22, 1976

Re: No. 75-5952 - Trimble v. Gordon

Dear Chief:

Please join me in your dissenting opinion in this case.

Sincerely,



The Chief Justice

Copies to the Conference

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

From: Mr. Justice Stevens

Circulated: 4/12/76

No. 75-5952 - Trimble v. Gordon

Recirculated: _____

MR. JUSTICE STEVENS, concurring.

In my judgment it is appropriate to permit Mrs. King to proceed in forma pauperis for these reasons.

The controversy is over a share in a decedent's estate consisting of a used car; Mrs. King's interest in that estate has a value of \$343.40. Her adversary is represented by experienced and talented counsel employed by the Legal Assistance Foundation of Chicago. The issue presented by the appeal is substantial. It is important to the Court and to the public that both sides be well represented.

As I read the appellee's affidavit, the burden of resisting the appeal will impose a substantial hardship upon her and her husband. Her weekly income is \$119.06, and, while employed, her husband earns \$190.00 per week. However, he has been hospitalized 18 times for a heart condition in the past six years; on each such occasion he spent three to four weeks in the hospital, followed by an additional convalescence at home. He received no income during those periods and manifestly the risk of a reoccurrence remains.

In view of these circumstances, the danger that Mrs. King will decide that her minimal interest in the outcome of the litigation is outweighed by the need to conserve funds to care