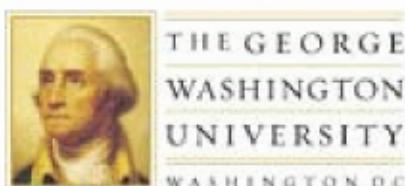


# The Burger Court Opinion Writing Database

*Smith v. Organization of Foster Families for Equality & Reform*

431 U.S. 816 (1977)

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



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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

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October 1, 1976

MEMORANDUM TO THE CONFERENCE

RE: Timeliness of Appeal in No. 76-5200, Gandy v.  
Organization of Foster Families for Equality, etc.

I agree with John's recommendation and would Note this appeal and consolidate it with the other three cases allowing one and one-half hours oral argument for the group.

W.J.B.Jr.

$$\begin{array}{l} 76-180 \\ 76-183 \\ 76-5193 \\ 76-5200 \end{array} \quad \left. \begin{array}{l} \\ \\ \end{array} \right\} \text{Same file}$$

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

October 1, 1976

MEMORANDUM TO THE CONFERENCE

RE: Timeliness of Appeal in No. 76-5200 -- Gandy v. Organization Of Foster Families For Equality And Reform (List 1, page 6).

Notice of appeal in this case was noted as filed June 17, 1976, untimely by three days. This was caused by failure of counsel to pay a \$5.00 filing fee until June 15. However, in all other respects the appeal was timely taken in that notice of appeal was given to the clerk of the district court and copies of the notice mailed to the parties by June 11. Under these facts, the appeal was timely taken. Parissi v. Telechron, Inc., 349 U.S. 46 (1955).

Thus, I recommend noting this appeal and consolidating it with the three other Organization of Foster Family, etc., appeals already noted (76-180; 76-183; 76-5193). One and one-half hours oral argument should be granted for the group.

Respectfully,

John

John concludes  
case is  
timely

76-180  
76-183  
76-5193  
76-5200

Same  
file