

# The Burger Court Opinion Writing Database

## *Marquette National Bank of Minneapolis v First of Omaha Service Corp.*

439 U.S. 299 (1978)

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



Lendo - bring to my  
attention

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

Altho far too  
long, I'll join  
as I think case should

From: Mr. Justice Blackmun

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No. 77-1258 - Minnesota v. First of Omaha Service Corp.  
No. 77-1265 - Marquette National Bank v. First of Omaha Service Corp.

*be printed*

MR. JUSTICE BLACKMUN, dissenting.

As a member of the Minnesota Bar and as one who practiced in that State for a number of years, I am not nearly so certain, as the Court seems to be, that these petitions are out of time and, hence, that they are to be denied for want of jurisdiction. If they are, it is unfortunate, for I feel -- and I suspect that at least three other members of the Court also would feel -- that the cases present "certworthy" issues.

pk. 1, 3, 4, 5, 6

To: The Chief Justice  
Mr. Justice Brennan  
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1st DRAFT

## SUPREME COURT OF THE UNITED STATES

STATE OF MINNESOTA *v.* FIRST OF OMAHA SERVICE  
CORPORATION ET AL. and  
MARQUETTE NATIONAL BANK OF MINNE-  
APOLIS *v.* FIRST OF OMAHA SERVICE  
CORPORATION ET AL.

ON PETITION FOR WRITS OF CERTIORARI TO THE SUPREME  
COURT OF MINNESOTA

Nos. 77-1258 and 77-1266. Decided May —, 1978

MR. JUSTICE BLACKMUN, dissenting.

As a member of the Minnesota Bar and as one who practiced in that State for a number of years, I am not nearly so certain as the Court seems to be that these petitions are out of time and, hence, that they are to be denied for want of jurisdiction. If they are, it is unfortunate, for I feel—and I suspect that at least three other Members of the Court also would feel—that the cases present “certworthy” issues.

### I

The Court’s action lets stand, because of the supposed untimeliness of the petitions for certiorari, what is for me at the very least a questionable ruling, by a divided vote of the Supreme Court of Minnesota sitting en banc, that a national bank with its principal place of business in Nebraska but also doing business in Minnesota may apply to the unpaid balances of Minnesota bank credit card customers an annual interest rate above the rate permitted by Minnesota law and above the rate that any national or state bank based in Minnesota may charge. — Minn. —, 262 N. W. 2d 358 (1977). In reaching that result, the Minnesota court, with three Justices dissenting, stated that it felt constrained to follow the ruling of the United States Court of Appeals for the Eighth Circuit in a similar case, *Fisher v. First Nat. Bank of*