

The Burger Court Opinion Writing Database

Vaughn v. Vermilion Corp.

444 U.S. 206 (1979)

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Linda - Be sure
a copy of this letter
is in my file on
"Recusal" + "Conflicts of Interest"

2/16/79
file

January 11, 1979

No. 77-1819 Vaughn v. Vermillion Corp.

Dear Chief:

When this case came up during the September Conferences, I believe that I wrote you and John an "Out" letter because Exxon is the lessor of the property involved.

As you know, I have recused myself in Exxon cases since coming to the Court. My former law firm has been retained by Exxon for local work in Virginia for many years. I never had responsibility for the Exxon account, and can recall only one local case in which I participated - perhaps 20 years or more ago.

My policy, as I have stated to the Conference, has been to remain out of cases in which long-time retained clients of the firm were parties. Exxon and Southern Railway have been the two principal companies in this category.

Having now been on the Court for seven years, I think it would be appropriate from now on for me to sit when Exxon is a party. I will continue to remain out of Southern Railway cases, as I personally had a measure of responsibility for its work in Virginia over a period of a good many years.

Wherever I personally was the partner in charge of a client's work, I will continue to remain out. Of course, whenever my law firm is in a case I will always remain out.

I appreciate that "line-drawing" may not always seem logical. Apart from facts as outlined above, I also consider the appearance of participation as well as whether I personally feel totally detached.

I am sending a copy of this to John, as you and he are the "record keepers" in these matters and my past correspondence has been with you. If either of you has advice to offer, I certainly would welcome it.

Absent advice to the contrary, I will now participate in consideration of the above petition.

Sincerely,

The Chief Justice

cc: Mr. Justice Stevens

LFP/lab