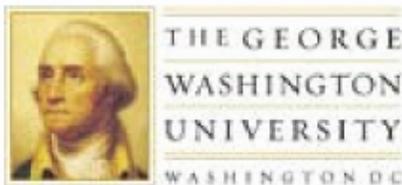


# The Burger Court Opinion Writing Database

*Middlesex County Ethics Committee v.  
Garden State Bar Association*  
457 U.S. 423 (1982)

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



To: Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: **The Chief Justice**

Circulated: MAY 23 1982

Recirculated: \_\_\_\_\_

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 81-460

MIDDLESEX COUNTY ETHICS COMMITTEE, ETC.,  
PETITIONER *v.* GARDEN STATE BAR  
ASSOCIATION, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE THIRD CIRCUIT

[May —, 1982]

CHIEF JUSTICE BURGER delivered the opinion of the  
Court.

We granted certiorari to determine whether a federal court should abstain from considering a complaint challenging the constitutionality of disciplinary rules that are the subject of a pending state disciplinary proceeding within the jurisdiction of the New Jersey Supreme Court. — U. S. — (1981). The Court of Appeals held that it need not abstain under *Younger v. Harris*, 401 U. S. 37 (1971). We reverse.

I

A

The Constitution of New Jersey charges the State Supreme Court with the responsibility for licensing and disciplining attorneys admitted to practice in State. Art. 6, §2, ¶3.<sup>1</sup> Under the rules established by the New Jersey Supreme Court, enacted pursuant to its constitutional author-

<sup>1</sup>1. Art. 6, §2, ¶3 provides:

“The Supreme Court shall make rules governing the administration of all courts in the State and, subject to the law, the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.”

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

CHAMBERS OF  
THE CHIEF JUSTICE

June 4, 1982

Re: No. 81-460, Middlesex Ethics Comm. v. Garden St.  
Bar Assn

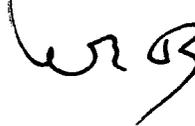
Dear Bill:

Your problem can be met, I think, by substituting  
for the first full paragraph on page 12 the following:

"We need not decide whether Hinds had an adequate  
opportunity to raise his constitutional claims  
before the local ethics committee because what-  
ever doubt that may have existed was laid to rest  
by the subsequent actions of the New Jersey Su-  
preme Court."

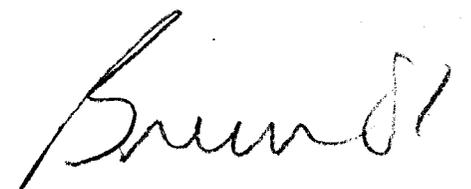
Does this satisfy your problems?

Regards,



Justice Brennan

Personal



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

CHAMBERS OF  
THE CHIEF JUSTICE

June 11, 1982

Re: 81-460 - Middlesex County Ethics Committee, etc. v.  
Garden State Bar Association

Dear Bill:

On reexamining this case, I conclude to restore page 12 and Part D to essentially the original draft, i.e., 1st draft circulated May 26, 1982.

Regards



Justice Brennan

Copies to the Conference

CHANGES AS MARKED:

*see esp. p. 12*

To: Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: **The Chief Justice**

Circulated: \_\_\_\_\_

Recirculated: JUN 11 1982

2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 81-460

MIDDLESEX COUNTY ETHICS COMMITTEE, ETC.,  
PETITIONER *v.* GARDEN STATE BAR  
ASSOCIATION, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE THIRD CIRCUIT

[June —, 1982]

CHIEF JUSTICE BURGER delivered the opinion of the  
Court.

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<sup>1</sup> Art. 6, §2, ¶3 provides:

"The Supreme Court shall make rules governing the administration of all courts in the State and, subject to the law, the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted."

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STYLISTIC CHANGES

To: Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: **The Chief Justice**

Circulated: \_\_\_\_\_

Recirculated: JUN 14 1982

3rd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 81-460

MIDDLESEX COUNTY ETHICS COMMITTEE, ETC.,  
PETITIONER *v.* GARDEN STATE  
BAR ASSOCIATION, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE THIRD CIRCUIT

[June —, 1982]

CHIEF JUSTICE BURGER delivered the opinion of the  
Court.

We granted certiorari to determine whether a federal court should abstain from considering a challenge to the constitutionality of disciplinary rules that are the subject of a pending state disciplinary proceeding within the jurisdiction of the New Jersey Supreme Court. — U. S. — (1981). The Court of Appeals held that it need not abstain under *Younger v. Harris*, 401 U. S. 37 (1971). We reverse.

I

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The Constitution of New Jersey charges the State Supreme Court with the responsibility for licensing and disciplining attorneys admitted to practice in the State. Art. 6, § 2, ¶ 3.<sup>1</sup> Under the rules established by the New Jersey Supreme Court, enacted pursuant to its constitutional author-

<sup>1</sup> Art. 6, § 2, ¶ 3 provides:

“The Supreme Court shall make rules governing the administration of all courts in the State and, subject to the law, the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.”

711

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

CHAMBERS OF  
THE CHIEF JUSTICE

June 23, 1982

MEMORANDUM TO THE CONFERENCE

RE: Cases Held for Middlesex Cty Ethics Comm v. Garden  
State Bar Assn, 80-460

No. 81-1335, D.C. Court of Appeals v. Feldman  
No. 81-1526, Feldman v. D.C. Court of Appeals  
No. 81-1537, Hickey v. D.C. Court of Appeals

---

These three consolidated cases were held for Middlesex. Rule 46Ib of the District of Columbia Court of Appeals provides that only graduates of ABA accredited law schools and graduates of other law schools who have taken supplementary courses at an ABA-approved institution may sit for the DC bar examination. Hickey, a graduate of the Potomac School of Law, requested a waiver from the DC Court of Appeals and submitted affidavits attesting to his competence. The DC Court of Appeals denied his motion. Feldman, who had read for the Virginia Bar and was admitted to practice in both Virginia and Maryland, also moved to waive the DC requirement. After several months of no action, Feldman wrote a letter to the DC Court of Appeals stating that important constitutional and antitrust questions would be raised if he were barred from practice solely because he was not a graduate of an accredited law school. The DC Court of Appeals also denied Feldman's motion. Both parties then filed suit in United States District Court claiming violations of the Due Process and Equal Protection Clauses, as well as violations of the federal antitrust laws. (It appears that Hickey also challenged the DC Court of Appeals decision as arbitrary and capricious. App. 7a.) Each complaint was dismissed on the ground that the District Court lacked jurisdiction. The District Courts reasoned that the DC Court of Appeal's disposition of the motions were judicial in character and therefore reviewable only in this Court. The District Court dismissed the antitrust complaints as frivolous.

The United States Court of Appeals for the District of Columbia (CADC) consolidated the two cases and reversed in part. The CADC concluded that petitions to the DC Court of Appeals for waiver of one of its requirements for admission to the bar made in a nonadversary setting are not judicial in nature. Because there was no "case or controversy" reviewable by this Court on review, the CADC found that it had jurisdiction to consider the constitutional claims. The CADC also concluded that Feldman's case was not barred by res judicata. The antitrust claims were dismissed as frivolous.

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

June 4, 1982

Middlesex County Ethics Committee v. Garden State Bar  
Assoc.--81-460

Dear John,

What would you think of the attached to the Chief? My premise is that the inquiry whether the proceedings before the Ethics Committee are adequate for adjudication of federal constitutional claims is probably more important than whether that proceeding is in some metaphysical sense distinct from the judicial proceeding before the New Jersey Supreme Court. If the Chief won't buy the suggestion, I'd file a short concurrence stating that I'd view the abstention issue in light of the situation before the New Jersey Supreme Court at the present time and therefore not address whether the proceedings before the Ethics Committee are "judicial" or adequate for adjudication of the federal issues. Or I might simply concur in the judgment.

I won't send this to the Chief until I have your reaction.

Sincerely,

Justice Stevens

*Brennan*

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

June 4, 1982

Middlesex County Ethics Committee v. Garden State Bar  
Assoc.--81-460

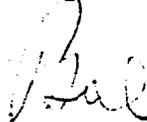
Dear Chief,

In light of the fact that Hinds' disciplinary proceeding is now pending before the New Jersey Supreme Court, and that the New Jersey Supreme Court has now amended its disciplinary rules to permit a motion directly to the New Jersey Supreme Court for interlocutory adjudication of constitutional issues, need we decide or suggest anything beyond the fact that Younger now requires the District Court to abstain?

As the Court of Appeals noted, the Ethics Committee was "designed to elicit facts, not legal arguments," is made up in part of non-lawyers and "there is no provision in any of the rules for a legal or constitutional determination at the Ethics Committee stage." Appendix to Pet. for Cert. at 13a. Moreover, prior to the change in the disciplinary rules, there was no established procedure for seeking interlocutory review by the New Jersey Supreme Court of federal constitutional claims.

In light of this, would it not be better to avoid the suggestion that proceedings before the committee in themselves were an adequate opportunity for adjudication of constitutional issues? My concerns could be allayed simply by beginning your section II-D with "Whatever doubt that may have existed about respondent Hinds' ability to have constitutional challenges heard in the bar disciplinary hearings was laid to rest by the subsequent actions of the New Jersey Supreme Court. ..." and continuing with that section as you have written it.

Sincerely,



The Chief Justice  
cc: The Conference

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

June 7, 1982

RE: No. 81-460 Middlesex County Ethics Committee v.  
Garden State Bar Association, et al.

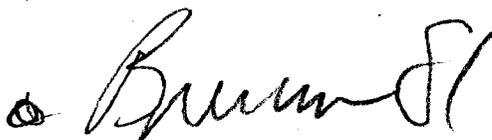
Dear Chief:

Your suggested change in the first full paragraph at page 12 is satisfactory to me. I therefore join your opinion but I am adding a few words in concurrence, a copy of which I attach.

Sincerely,



The Chief Justice



To: The Chief Justice  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: Justice Brennan

Circulated: JUN 11 1982

Recirculated: \_\_\_\_\_

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 81-460

MIDDLESEX COUNTY ETHICS COMMITTEE, ETC.,  
PETITIONER *v.* GARDEN STATE BAR  
ASSOCIATION, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE THIRD CIRCUIT

[June —, 1982]

JUSTICE BRENNAN, concurring.

I join the opinion of the Court because I agree that federal courts should show particular restraint before intruding into an ongoing disciplinary proceeding by a state court against a member of the State's bar, where there is an adequate opportunity to raise federal issues in that proceeding. The traditional and primary responsibility of state courts for establishing and enforcing standards for members of their bars and the quasi-criminal nature of bar disciplinary proceedings, *In re Ruffalo*, 390 U. S. 544, 551 (1968), call for exceptional deference by the federal courts. See *Gipson v. New Jersey Supreme Court*, 558 F. 2d 701, 703-704 (CA3 1977); *Erdmann v. Stevens*, 458 F. 2d 1205, 1209-1210 (CA2 1972). I continue to adhere to my view, however, that *Younger v. Harris*, 401 U. S. 37 (1971), is in general inapplicable to civil proceedings. See *Huffman v. Pursue, Ltd.*, 420 U. S. 592, 613-618 (1975) (BRENNAN, J. dissenting).

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

June 14, 1982

RE: No. 81-460 Middlesex County, etc. v. Garden State  
Bar Association

Dear Chief:

In light of your withdrawal of the change you had made in your circulation of June 10, I withdraw my joinder. I am joining Thurgood's concurrence and adding a little statement of my own.

Sincerely,



The Chief Justice

cc: The Conference

.85 17 11 5 11 A

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

June 14, 1982

RE: No. 81-460 Middlesex County, etc. v. Garden State  
Bar Association

Dear Thurgood:

Please join me in your concurring opinion in the  
above, joining only the judgment and not the Chief's  
opinion.

Sincerely,



Justice Marshall

cc: The Conference

.85 74 10 30 11

Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: Justice Brennan

Circulated: JUNE 15, 1982

Recirculated: \_\_\_\_\_

1st DRAFT - Concurring in Judgment.

**SUPREME COURT OF THE UNITED STATES**

No. 81-460

MIDDLESEX COUNTY ETHICS COMMITTEE, ETC.,  
PETITIONER *v.* GARDEN STATE  
BAR ASSOCIATION, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE THIRD CIRCUIT

[June —, 1982]

JUSTICE BRENNAN, concurring in the judgment.

For the reasons stated by JUSTICE MARSHALL, I join the judgment in this case. I agree that federal courts should show particular restraint before intruding into an ongoing disciplinary proceeding by a state court against a member of the State's bar, where there is an adequate opportunity to raise federal issues in that proceeding. The traditional and primary responsibility of state courts for establishing and enforcing standards for members of their bars and the quasi-criminal nature of bar disciplinary proceedings, *In re Ruffalo*, 390 U. S. 544, 551 (1968), call for exceptional deference by the federal courts. See *Gipson v. New Jersey Supreme Court*, 558 F. 2d 701, 703-704 (CA3 1977); *Erdmann v. Stevens*, 458 F. 2d 1205, 1209-1210 (CA2 1972). I continue to adhere to my view, however, that *Younger v. Harris*, 401 U. S. 37 (1971), is in general inapplicable to civil proceedings. See *Huffman v. Pursue, Ltd.*, 420 U. S. 592, 613 (1975) (BRENNAN, J., dissenting).

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 27, 1982

Re: 81-460 - Middlesex County Ethics  
Committee v. Garden State Bar Ass'n

Dear Chief,

Please join me.

Sincerely yours,

*By.*

The Chief Justice  
Copies to the Conference  
cpm

85 JUN 31 10 33 A

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To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: **Justice Marshall**

Circulated: **JUN 14 1982**

Recirculated: \_\_\_\_\_

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 81-460

MIDDLESEX COUNTY ETHICS COMMITTEE, ETC.,  
PETITIONER *v.* GARDEN STATE BAR  
ASSOCIATION, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE THIRD CIRCUIT

[June —, 1982]

JUSTICE MARSHALL, concurring in the judgment.

I agree with much of the general language in the Court's opinion discussing the importance of the State's interest in regulating the professional conduct of its attorneys. However, I believe that the question whether *Younger* abstention would have been appropriate at the time that the District Court or the Court of Appeals considered this issue is not as simple as the Court's opinion might be read to imply. As the Court acknowledges, absent an ongoing judicial proceeding in which there is an adequate opportunity for a party to raise federal constitutional challenges, *Younger* is inapplicable. *Ante*, at 8. See also *Gibson v. Berryhill*, 411 U. S. 564, 577 (1973). Here, it is unclear whether, at the time the lower courts addressed this issue, there was an adequate opportunity in the state disciplinary proceedings to raise a constitutional challenge to the disciplinary rules. Furthermore, it is unclear whether proceedings before the Ethics Committee are more accurately viewed as prosecutorial rather than judicial in nature.

I agree with the Court that we may consider events subsequent to the decisions of the courts below because the federal litigation has addressed only the question whether abstention is appropriate. Thus far, there have been no proceedings on

P. 2

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: Justice Marshall

Circulated: \_\_\_\_\_

Recirculated: JUN 15 1982

2ND  
1st DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 81-460

MIDDLESEX COUNTY ETHICS COMMITTEE, ETC.,  
PETITIONER *v.* GARDEN STATE  
BAR ASSOCIATION, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE THIRD CIRCUIT

[June —, 1982]

JUSTICE MARSHALL, concurring in the judgment.

I agree with much of the general language in the Court's opinion discussing the importance of the State's interest in regulating the professional conduct of its attorneys. However, I believe that the question whether *Younger* abstention would have been appropriate at the time that the District Court or the Court of Appeals considered this issue is not as simple as the Court's opinion might be read to imply. As the Court acknowledges, absent an ongoing judicial proceeding in which there is an adequate opportunity for a party to raise federal constitutional challenges, *Younger* is inapplicable. *Ante*, at 8. See also *Gibson v. Berryhill*, 411 U. S. 564, 577 (1973). Here, it is unclear whether, at the time the lower courts addressed this issue, there was an adequate opportunity in the state disciplinary proceedings to raise a constitutional challenge to the disciplinary rules. Furthermore, it is unclear whether proceedings before the Ethics Committee are more accurately viewed as prosecutorial rather than judicial in nature.

I agree with the Court that we may consider events subsequent to the decisions of the courts below because the federal litigation has addressed only the question whether abstention is appropriate. Thus far, there have been no proceedings on

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P. 1

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: Justice Marshall

Circulated: \_\_\_\_\_

Recirculated: JUN 17 1982

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 81-460

MIDDLESEX COUNTY ETHICS COMMITTEE, ETC.,  
PETITIONER v. GARDEN STATE  
BAR ASSOCIATION ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE THIRD CIRCUIT

[June —, 1982]

JUSTICE MARSHALL, with whom JUSTICE BRENNAN, JUSTICE BLACKMUN and JUSTICE STEVENS join, concurring in the judgment.

I agree with much of the general language in the Court's opinion discussing the importance of the State's interest in regulating the professional conduct of its attorneys. However, I believe that the question whether *Younger* abstention would have been appropriate at the time that the District Court or the Court of Appeals considered this issue is not as simple as the Court's opinion might be read to imply. As the Court acknowledges, absent an ongoing judicial proceeding in which there is an adequate opportunity for a party to raise federal constitutional challenges, *Younger* is inapplicable. *Ante*, at 8. See also *Gibson v. Berryhill*, 411 U. S. 564, 577 (1973). Here, it is unclear whether, at the time the lower courts addressed this issue, there was an adequate opportunity in the state disciplinary proceedings to raise a constitutional challenge to the disciplinary rules. Furthermore, it is unclear whether proceedings before the Ethics Committee are more accurately viewed as prosecutorial rather than judicial in nature.

I agree with the Court that we may consider events subsequent to the decisions of the courts below because the federal

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

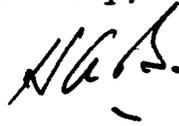
June 15, 1982

Re: No. 81-460 - Middlesex County Ethics Comm., etc.  
v. Garden State Bar Association

Dear Thurgood:

Please add my name to your opinion concurring in the judgment.

Sincerely,



Justice Marshall

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 27, 1982

81-460 Middlesex County Ethics Committee v. Garden State

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

lfp/ss

cc: The Conference

95 11 51

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

June 2, 1982

Re: No 81-460 Middlesex County Ethics Committee v.  
Garden State Bar Association

Dear Chief:

Please join me.

Sincerely,

*WHR*

The Chief Justice

cc: The Conference

.85 81-5 1/2 23

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

June 4, 1982

Re: No. 81-460 Middlesex County Ethics Committee v.  
Garden State Bar Association

Dear Chief:

I have joined your circulating opinion, and am content with it. I think that Bill Brennan's letter to you of June 4th raises some interesting questions, but if they are to be dealt with at all I think they require more than just the omission of several paragraphs of Part II-D of the present draft.

As I understood the case at the time of argument, it presented two questions: (1) Was a bar disciplinary proceeding the sort of state proceeding which, although not criminal in nature, was nonetheless of such a character as to require a federal court to abstain from deciding issues which might be raised in that proceeding? In other words, did Younger v. Harris, 401 U.S. 37 (1971) extend to bar disciplinary proceedings? This question you have unequivocally answered in the affirmative by Part II-C of your opinion.

(2) Upon what "point in time" should a federal court's Younger analysis focus in making the determination that a proceeding of a type subject to Younger analysis of whether there is "an adequate opportunity in the state proceedings to raise constitutional challenges." Draft Opinion, p. 8.

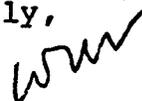
I had understood your opinion to more or less finesse the "point in time" question, since it discusses the question both as it would have been understood at the time the District Court examined it, Draft Opinion, pp. 11-12, and as of the time the Court of Appeals examined it and we examine it, pp. 12-13.

If your opinion were to now focus on what "moment in time" the federal courts should focus upon, as would be implicitly required by accepting Bill's suggestion, there are at least two plausible alternatives. The first would be the moment at which the District Court acted; it was the federal court first called upon to consider the question, and as of the time it acted no one had any knowledge of the rules that would later be promulgated by the Supreme Court of New Jersey. The second alternative would be the time at which the Court of Appeals acted, or the time at which this Court acts; I think for purposes of this case they are probably the same as a practical matter.

On pp. 12-13 of your draft opinion, you suggest that since there have been no federal proceedings to date, the abstention issue should be decided in the light of subsequent state court developments under the principle of Hicks v. Miranda, 422 U.S. 332 (1975). That may be true in this case, but what if the District Court had originally decided not to abstain, and proceeded to issue a temporary restraining order and to hold a hearing on the merits of the case? That would prevent reliance upon the Hicks v. Miranda grounds, see Doran v. Salem Inn, Inc., 422 U.S. 922 (1975), and yet on appeal from the order of the District Court granting an injunction would the state be nonetheless free to urge subsequent developments in the law of New Jersey which were unknown and could not have been known to the District Court?

I don't suggest by any means that I have answers to any or all of these questions. I only mean to suggest that I think Bill's letter raises by implication several issues which cannot simply be dealt with by the sort of deletion which he suggests. As I say, I am content with your opinion as it is, since I think it decides one of the two important questions presented in the case. I would also be agreeable to seeing the opinion undertake the "point in time" analysis which I have suggested, but I think this would take considerably more revision of it than Bill's letter suggests.

Sincerely,



The Chief Justice

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

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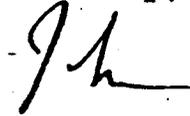
June 11, 1982

Re: 81-460 - Middlesex County Ethics Committee  
v. Garden State Bar Association

Dear Chief:

Please join me.

Respectfully,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

June 11, 1982

Re: 81-460 - Middlesex County Ethics  
Comm. v. Garden State Bar Association

Dear Chief:

In view of the change mentioned in your memorandum of June 11, 1982, I regret that I shall have to withdraw my join which was predicated on your more recent draft. I shall try not to hold you up too long in writing out my separate views.

Respectfully,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

June 14, 1982

Re: 81-460 - Middlesex County v. Garden  
State Bar Association

Dear Thurgood:

Having withdrawn my joinder in the Chief's opinion,  
I would now be grateful if you would join me in your  
separate concurrence.

Respectfully,



Justice Marshall

Copies to the Conference

85

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

May 28, 1982

No. 81-460 Middlesex County Ethics Committee  
v. Garden State Bar Association

Dear Chief,

Please join me.

Sincerely,



The Chief Justice

Copies to the Conference

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