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Cleveland Board of Education v. Loudermill

470 U.S. 532 (1985)

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
THE CHIEF JUSTICE

May 7, 1984

Re: No. 83-1362 - Cleveland Bd. of Education (employer) v. Loudermill, et al (employee)
No. 83-1363 - Parma Bd. of Education v. Donnelly, et al.
No. 83-6392 - Loudermill v. Cleveland Bd. of Education, et al.

Dear Byron:

When this case was on the Conference List my Code was "WB/LIS," but your dissent persuades me that the error is too gross to "LIS."

I join you.

Regards,



Justice White

Copies to the Conference

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JUSTICE WHITE
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To: The Chief Justice
Justice Brennan
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice White

Circulated: MAY 7 1984

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

CLEVELAND BOARD OF EDUCATION

83-1362

v.

JAMES LOUDERMILL ET AL.

PARMA BOARD OF EDUCATION

83-1363

v.

RICHARD DONNELLY ET AL.

JAMES LOUDERMILL

83-6392

v.

CLEVELAND BOARD OF EDUCATION ET AL.

ON PETITION FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Nos. 83-1362, 83-1363 & 83-6392. Decided May —, 1984

JUSTICE WHITE, dissenting.

James Loudermill was employed as a security guard by the Cleveland Board of Education. He was classified as a civil service employee under Ohio law. Accordingly, he could be discharged only for cause and was entitled to a hearing within thirty days of his discharge. Ohio Rev. Code Ann. § 124.34. When he applied for the job, Loudermill filled out an application that required him to respond to the question, "Have you ever been convicted of a crime (felony)?" Loudermill responded, "No." At the end of the application, he signed a certification acknowledging that he was aware that "any false statements will be sufficient cause for dismissal from or refusal of an appointment for any position with the Cleveland Board of Education."

Approximately one year later, the Board discovered that Loudermill had been convicted of a felony in 1968. The Board sent Loudermill a letter, explaining that because of his dishonesty in filling out the application, he was being dismissed. Pursuant to § 124.34, Loudermill filed a notice of

NO

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 7, 1984

Re: 83-1362) Cleveland Board of Education v. Loudermill
83-1363) Parma Board of Education v. Donnelly
83-6392) Loudermill v. Cleveland Board of Education

Dear Byron:

Please join me in your dissent.

Sincerely,

Wm

Justice White

cc: The Conference

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JUSTICE MARSHALL

24 MAY -8 09:43

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

May 7, 1984

Re: 83-1362) Cleveland Board of Education v. Loudermill
83-1363) Parma Board of Education v. Donnelly
83-6392) Loudermill v. Cleveland Board of Education

Dear Byron,

Please join me in your dissent from denial of certiorari.

Sincerely,



Justice White

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 21, 1984

No. 83-1362) Cleveland Bd. of Ed. v. Loudermill
No. 83-1363) Parma Bd. of Ed. v. Donnelly
No. 83-6392) Loudermill v. Cleveland Bd. of Ed.
(Motion of James Loudermill for Appointment of Counsel)
June 21, 1984 Conference List, page 11

Dear Chief,

Today there was discussion about the practice of the Court in the appointment of counsel for indigent respondents in several cases. The vote at Conference was to deny the motion on the understanding that the Court does not customarily appoint counsel in civil cases.

I have checked with Al Stevas and have been advised that in the past the Court has, in fact, appointed counsel for indigent respondents in civil cases on a regular basis.

Two examples from last Term are appointment of counsel for Wallace in 82-167 Chappell v. Wallace, and for respondents Flowers and Jones in 81-2408, United Steelworkers of America v. Flowers and Jones. Of course, under the Rule, appointed counsel is not compensated and is reimbursed only for travel and per diem.

Perhaps this matter should be relisted at our next Conference for further discussion.

Sincerely,



The Chief Justice

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 22, 1984

Re: 83-1362) Cleveland Bd. of Ed. v. Loudermill
83-1363) Parma Bd. of Ed. v. Donnelly
83-6392) Loudermill v. Cleveland Bd. of Ed.

Motion of James Loudermill for appointment of counsel

Dear Chief,

In the event this motion is not to be relisted, I am changing my vote to reflect on the record that I would grant the motion for appointment of counsel.

Sincerely,



The Chief Justice

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and Alexander Stevas