

The Burger Court Opinion Writing Database

Parsons Steel, Inc. v. First Alabama Bank
474 U.S. 518 (1986)

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

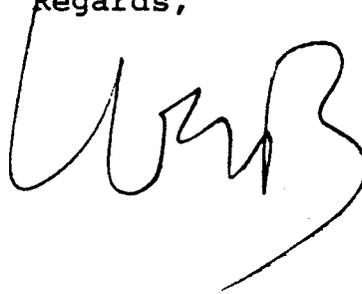
January 14, 1986

Re: No. 84-1616 - Parsons Steel, Inc. v. First Alabama
Bank of Montgomery and Edward Herbert

Dear Bill:

I join.

Regards,

A handwritten signature in black ink, appearing to be 'WRB', written over the word 'Regards,'.

Justice Rehnquist

Copies to the Conference

82-1616-12-8083

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

(b)

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

January 15, 1986

No. 84-1616

Parsons Steel, Inc., et al.
v. First Alabama Bank and Herbert

Dear Bill,

You will recall that I thought this ought to be certified, but I am persuaded by your opinion on the merits. Please join me.

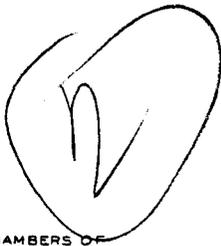
Sincerely,

Bill

Justice Rehnquist

Copies to the Conference

82 10 12 10 11



CHAMBERS OF
JUSTICE BYRON R. WHITE

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

January 17, 1986

84-1616 - Parsons Steel, Inc. v. First
Alabama Bank and Edward Herbert

Dear Bill,

Please join me.

Sincerely yours,

Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 16, 1986

Re: No. 84-1616-Parsons Steel v. First Ala. Bank

Dear Bill:

Please join me.

Sincerely,



T.M.

Justice Rehnquist

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 20, 1986

Re: No. 84-1616, Parsons Steel v. First Alabama Bank

Dear Bill:

Please join me.

Inasmuch as I am the last to report in this particular case, any suggestion I make may be entitled to little weight. I offer the following, however, for your consideration.

In the last sentence on page 4 of your opinion, you state that the majority of the Court of Appeals paid scant attention "to the important values of federalism and comity embodied in the Full Faith and Credit Act." I thought that this case was controlled not by "values" but by statutory language. I therefore would feel more comfortable if the holding could be based firmly on the language of the Full Faith and Credit Act instead of suggesting that the "values" it reflects would require the same result even without the statute.

At the top of page 6 is a statement to the effect that once the state court has rejected a claim of res judicata, then the Full Faith and Credit Act becomes applicable, and federal courts must turn to state law to determine the preclusive effect of the state court's decision. Petitioners, however, contend that the Act becomes applicable only when the state court has issued a final judgment. See Brief for Petitioners 15. Since in this case the state court's res judicata ruling had been incorporated in a final judgment before respondents returned to federal court for an injunction, I wonder whether we should reach, or suggest that we are reaching, the question whether the Act ever requires that full faith and credit be given to preliminary rulings in state court.

I offer these points for your consideration. My joinder is firm in any event.

Sincerely,



Justice Rehnquist

cc: The Conference

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 14, 1986

84-1616 Parsons Steel v. First Alabama Bank

Dear Bill:

Please join me.

Sincerely,



Justice Rehnquist

lfp/ss

cc: The Conference

NOT RECORDED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

From: Justice Rehnquist

Circulated: JAN 14 1986

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1616

PARSONS STEEL, INC., ET AL., PETITIONERS *v.*
FIRST ALABAMA BANK AND EDWARD HERBERT

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

[January —, 1986]

JUSTICE REHNQUIST delivered the opinion of the Court.

The Full Faith and Credit Act, 28 U. S. C. § 1738, requires federal courts as well as state courts to give state judicial proceedings "the same full faith and credit . . . as they have by law or usage in the courts of such State . . . from which they are taken." The Anti-Injunction Act, 28 U. S. C. § 2283, generally prohibits a federal court from granting an injunction to stay proceedings in a state court, but excepts from that prohibition the issuance of an injunction by a federal court "where necessary . . . to protect or effectuate its judgment." In the present case the Court of Appeals for the Eleventh Circuit held that the quoted exception to the latter Act worked a *pro tanto* amendment to the former, so that a federal court might issue an injunction against state court proceedings even though the prevailing party in the federal suit had litigated in the state court and lost on the res judicata effect of the federal judgment. We granted certiorari to consider this question, — U. S. — (1985), and now reverse the judgment of the Court of Appeals.

Petitioners Parsons Steel, Inc., and Jim and Melba Parsons sued respondents First Alabama Bank of Montgomery and Edward Herbert, a bank officer, in Alabama state court in February 1979, essentially alleging that the bank had fraudulently induced the Parsons to permit a third person to take control of a subsidiary of Parsons Steel and eventually to ob-

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

p. 6 and
STYLLISTIC CHANGES THROUGHOUT

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

From: Justice Rehnquist

Circulated: _____

Recirculated: JAN 21 1986

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1616

PARSONS STEEL, INC., ET AL., PETITIONERS *v.*
FIRST ALABAMA BANK AND EDWARD HERBERT

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

[January —, 1986]

JUSTICE REHNQUIST delivered the opinion of the Court.

The Full Faith and Credit Act, 28 U. S. C. § 1738, requires federal courts as well as state courts to give state judicial proceedings “the same full faith and credit . . . as they have by law or usage in the courts of such State . . . from which they are taken.” The Anti-Injunction Act, 28 U. S. C. § 2283, generally prohibits a federal court from granting an injunction to stay proceedings in a state court, but excepts from that prohibition the issuance of an injunction by a federal court “where necessary . . . to protect or effectuate its judgments.” In the present case the Court of Appeals for the Eleventh Circuit held that the quoted exception to the latter Act worked a *pro tanto* amendment to the former, so that a federal court might issue an injunction against state-court proceedings even though the prevailing party in the federal suit had litigated in the state court and lost on the *res judicata* effect of the federal judgment. We granted certiorari to consider this question, 472 U. S. — (1985), and now reverse the judgment of the Court of Appeals.

Petitioners Parsons Steel, Inc., and Jim and Melba Parsons sued respondents First Alabama Bank of Montgomery and Edward Herbert, a bank officer, in Alabama state court in February 1979, essentially alleging that the bank had fraudulently induced the Parsons to permit a third person to take control of a subsidiary of Parsons Steel and eventually to ob-

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 21, 1986

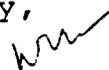
Re: 84-1616 - Parsons Steel v. First Alabama Bank

Dear Harry:

Thank you for your "join" letter of January 20th, with its suggestions for revision of the circulating opinion. I don't agree with your first comment; I don't think that the last sentence on page 4 suggests that the same result would be reached without the statute; I think the language merely describes the values which are embodied in the statute.

I do think there is merit to your second suggestion, and to that end will insert the word "finally" after the word "has" in the third line of page 6.

Sincerely,



Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

January 14, 1986

Re: 84-1616 - Parsons Steel, Inc., et al.
v. First Alabama Bank and
Edward Herbert

Dear Bill:

Please join me.

Respectfully,



Justice Rehnquist

Copies to the Conference

32 1042 1000

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

January 14, 1986

No. 84-1616 Parsons Steel, Inc. v. First
Alabama Bank and Herbert

Dear Bill,

Please join me.

Sincerely,

Sandra

Justice Rehnquist

Copies to the Conference

12 10 12 1986