

5-21-1974

05-21-1974 Conference Notes

Unknown

Law clerk, US Supreme Court

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Recommended Citation

Unknown, "05-21-1974 Conference Notes" (1974). *Vermont v. New York, 406 U.S. 186 (1972)*. Paper 8.
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No. 50 Original

Vermont v New York

I agree with WOD that the Court should decline to approve both the proposed decree and the appointment of a South Lake Master. I also think that the better suggestion is to dismiss in a per curiam explaining why no master will be appointed and the report will not be approved. If the parties are in agreement a settlement can be privately reached without court approval. The only question I have about the dismissal of the bill of complaint is where it leaves the parties. They should be free and encouraged to enter a compact or the like if they do not wish to litigate. However, it seems that the dismissal should be without prejudice (or whatever the designation is technically in original actions) so that if no agreement is reached, the litigation can be continued without requiring them to seek leave to file a bill of complaint again. I asked WOD's clerk about this and he will check to see what the procedure might be.

BSS
5/21/74