

November 1, 1941.

Dear Justice Byrnes:

I neglected to inform you and Justice Jackson, as I should, of the established practice of the Court with respect to the writing and circulating of opinions.

So far as may be, opinions are written during recess and considered and approved at the conference held at the end of the recess, and are handed down on the following Monday.

When the opinion is prepared and printed the writer sends page proof of the opinion, usually by messenger, to each member of the Court. The recipient is expected to examine the opinion promptly and if he agrees with it return it to the writer with his concurrence or approval endorsed on the back of the opinion, noting such suggestions as to change in form or phraseology as he thinks desirable. If his suggestions affect the substance or require extensive change of the opinion, he should send the suggestion in memorandum form or call on the writer of the opinion and explain fully his views. If he voted with the writer of the opinion but is unable to agree with the opinion, he should promptly notify the writer to that effect.

Prompt examination and return of the opinions, where that can be done by reasonable effort, greatly facilitates the work of the Court and avoids the congestion in the printer's office which would ensue if all the opinions were returned late in the recess period.

Trusting that these suggestions may be of assistance to you and the Court, I am,

Yours faithfully,

Harlan F. Stone.

Mr. Justice Byrnes.