

5 Rapp no. 2 (1950)

MCHUGH v. MASSACHUSETTS

HEADNOTE

by Ross E. Davies

Source: Considerations Involved in Granting Extensions for Applying for Certiorari, ABA J., Nov. 1950, at 899.

Opinion by: Felix Frankfurter (noted in source).

Opinion date: September 30, 1950 (noted in source).

Citation: McHugh v. Massachusetts, 5 Rapp no. 2 (1950) (Frankfurter, J., in chambers), 1 J. In-Chambers Practice 40 (2016).

Additional information: This opinion was published in the ABA Journal in an article without a byline, with an introduction that reads in part:

Title 28, United States Code, Section 2101(c), delimits the time within which an application for writ of certiorari to the Supreme Court, in a vast majority of cases, may be made. It also provides for an extension of that time by the Court or a Justice thereof when a request based upon substantial grounds is submitted prior to the expiration of the basic time limit fixed by the statute. . . .

A recent order entered by a Justice of the Supreme Court is expository of the considerations counsel should keep in mind in applying for extension of time under the statute. Charles Elmore Cropley, the Clerk of the Court, has sent a copy of this order to the JOURNAL, and it is published here with the thought that it will serve both the Court and the Bar through the distribution of information respecting the practice which is not to be found in the reports of Supreme Court proceedings.

OPINION

Patrick J. McHugh, et al., Petitioners,

vs.

Commonwealth of Massachusetts,

Whereas the most effective petitions for certiorari are those which state with brief clarity the federal questions that were duly raised in a deci-

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sion sought to be reviewed so as to make apparent the substantiality of such federal questions; and

Whereas the ninety days within which such a petition must be filed is of a length which takes into account other professional engagements of counsel; and

Whereas it is to the public interest that litigation be disposed of as expeditiously as possible; and

Whereas the issues in this case, as set forth in this application, claimed to be such as to warrant the granting of a petition for a writ of certiorari, do not need much elaboration of what is set forth in the application for an extension of time,

Upon consideration of the application of counsel for petitioners,

It is ordered that the time for filing petition for writ of certiorari in the above-entitled cause be, and the same is hereby, extended to and including October 15, 1950, provided that notice of this extension is given to opposing counsel forthwith.

Felix Frankfurter

Associate Justice of the Supreme Court of the United States

Dated this 30th day of September, 1950.