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Tributes

TRIBUTES TO PROFESSOR CHRISTOPHER BROWN

KAREN H. ROTHENBERG*

Christopher Brown's commitment to teaching and scholarship at the School of Law spans the last thirty-one years, and for much of that period, he has held a unique place in legal education. As soon as he arrived at the Law School in the mid-1970s, Professor Brown won the respect of his students and colleagues, and it has been my privilege to work with him for the past twenty-four years. He is a person of both collegiality and substance, and he will remain an essential part of our community as a professor emeritus in the years to come.

Professor Brown graduated from Swarthmore College in 1963, earned an M.A. from the University of Delaware in 1965, and in 1968 earned his J.D. from Georgetown University Law Center, where he was Editor in Chief of the *Georgetown Law Journal*. He joined our faculty in 1975. He is the author of *Introduction to Maryland Civil Litigation*,¹ as well as many published articles.

Of special interest to Professor Brown has been African-American politics on Maryland's Eastern Shore. His manuscripts on the subject gave rise to articles for the *Maryland Historical Magazine*.² This scholarship on Eastern Shore politics grew out of his successful litigation to ensure voting rights for African Americans in the area. In addition, it

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1. C. CHRISTOPHER BROWN, *INTRODUCTION TO MARYLAND CIVIL LITIGATION* (1982).

2. See C. Christopher Brown, *One Step Closer to Democracy: African American Voting in Late Nineteenth-Century Cambridge*, 95 MD. HIST. MAG. 428 (2000); C. Christopher Brown, *Democracy's Incursion into the Eastern Shore: The 1870 Election in Chestertown*, 89 MD. HIST. MAG. 338 (1994); C. Christopher Brown, *Maryland's First Political Convention by and for Its Colored People*, 88 MD. HIST. MAG. 324 (1993).

provided an inspiration and resource to his colleagues at the School of Law.

Professor Brown's interest in civil rights has extended to other pursuits as well. In 1982, he formed the law partnership of Brown, Goldstein & Levy. For many years, the small litigation firm's offices occupied space across the street from the Law School as part of a plan for the school to create a relationship with the practicing bar. Although he remained a tenured professor, Professor Brown found time to develop a flourishing practice at Brown, Goldstein & Levy, helping it to become the leading civil rights law firm in the state. Many other members of the firm have taught at the School of Law as adjunct professors, most notably Andrew Levy, who has become a vital member of our adjunct faculty.

Through the continuing relationship between Brown, Goldstein & Levy and the School of Law, Professor Brown helped cultivate excellence in advocacy at the Law School—arguing three cases before the Supreme Court of the United States³ and achieving notable successes in Maryland, including a decision that helped to establish the standard of liability for landlords in child lead-poisoning cases.⁴

Professor Brown has also taught an array of courses during his time with us, including civil procedure, torts, evidence, and Maryland practice and procedure. As a practicing attorney himself, he taught extensively in the evening program, and his contemporaneous real-world experience made him a mainstay of the combined legal writing substantive course program.

Professor Brown's devotion to the law and justice reaches beyond the Baltimore campus. He is among the one percent of American lawyers who serve as fellows of the American College of Trial Lawyers. He was president of the ACLU of Maryland for many years and continues to serve as its general counsel. He sits on the board of directors of both the Maryland Legal Aid Bureau and Baltimore Neighborhoods, Inc. He also chairs the Maryland Coalition for Civil Justice and holds a fellowship at the Maryland Bar Foundation.

His credentials notwithstanding, Professor Brown has helped to impress upon generations of law students the importance of offering the best in legal advocacy, no matter what the cause. To his fellow faculty and other colleagues, he has been a source of inspiration and welcome friendship. I am grateful to Professor Brown for his dedica-

3. See *Batterton v. Francis*, 432 U.S. 416 (1977); *Norton v. Mathews*, 427 U.S. 524 (1976); *Mathews v. Lucas*, 427 U.S. 495 (1976).

4. See *Richwind Joint Venture 4 v. Brunson*, 645 A.2d 1147 (Md. 1994).

tion to excellence in legal education and civil rights advocacy, and I look forward to his continued presence in our community in the coming years.

C. CHRISTOPHER BROWN: THE TEACHER

ELIZABETH M. KAMEEN*

Chris Brown was my professor for first year Legal Methods, a small group legal writing class combined with Civil Procedure. We were fifteen students, meeting what seemed like 100 hours a week. Two events occurred that year that are illustrative of Chris Brown, the teacher.

In our second semester, we had just begun to study Article III of the Constitution, which created the federal courts and defined their jurisdiction over cases “arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority.”⁵ That constitutional provision was followed in 1875 by a congressional statute, Chris’s all time favorite—28 U.S.C. § 1331—which repeated that jurisdictional grant to the district courts over “civil actions arising under the Constitution, law, or treaties of the United States.”⁶

As we began our discussion of federal question jurisdiction, Chris, who could take on an innocent tone in his questioning, asked: “Well, what does ‘arising under’ mean?” As we bumbled around trying to answer, he went on, “It’s such a simple question. I can’t believe that no one can tell me what those two simple words mean.” We ended up sitting in a stupefied silence.

Class ended on that note, but something in Chris’s innocent taunt made me march straight to the library to find an answer to that simple question. I learned how decidedly not simple the answer was. I learned that the meaning of “arising under” was the topic of multiple scholarly articles.⁷

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5. U.S. CONST. art. III, § 2, cl. 1.

6. 28 U.S.C. § 1331 (2000).

7. To name a few, see James H. Chadbourne & A. Leo Levin, *Original Jurisdiction of Federal Questions*, 90 U. PA. L. REV. 639 (1942); Alan D. Hornstein, *Federalism, Judicial Power and the “Arising Under” Jurisdiction of the Federal Courts: A Hierarchical Analysis*, 56 IND. L.J. 563 (1980–1981); Charles A. Willard, *When Does A Case “Arise” Under Federal Laws?*, 45 AM. L. REV. 373 (1911).

I learned that such giants of the bench as Justices Marshall, Bradley, Harlan, Holmes, Cardozo, Frankfurter, and Brennan had opined, each somewhat differently, on the meaning of arising under. For example, Justice Cardozo stated in *Gully v. First National Bank*:⁸ “To define broadly and in the abstract ‘a case arising under the Constitution or laws of the United States’ has hazards of a kindred order. What is needed is something of that common-sense accommodation of judgment to kaleidoscopic situations which characterizes the law”⁹ For a first year law student, that was very heady stuff. That quote resonated the oft-felt plight of a first year law student struggling to understand the depth and breadth of the law. I armed myself with my research and returned to class the next day to give Chris Brown the answer to his simple question.

To me, this was a significant moment in both teaching and learning. I believe there is a moment as a teacher that you give a student that signal opportunity to pick up the gauntlet, return to your class, and challenge you as you have challenged her. I believe there is a moment as a student that you begin to appreciate the complexity of the seemingly simple questions and the hard task of answering them. It is at that moment that confidence as a lawyer is born.

For me, at that moment I saw that learning the law was like listening to Mozart. On the surface, Mozart’s music is easy on the ear and quite accessible. Underneath all that Mozartian simplicity is a complexity of phrase and note. I hear and see the law that way now because of what Chris Brown taught me. On the surface, the words—seemingly simple. Underneath those words, a complexity that must be understood in order to appreciate the simplicity. I call this learning process “going to the bones” of the law to understand the structure that supports a simple phrase like “arising under.” Chris Brown taught me to go to the bones of the law. That is the art of teaching.

Chris’s teaching had an ironic and quirky quality, too. Here’s what I remember. It was final exam time in Civil Procedure, and the questions were hard. Then came this one right at the end—“What are Raglan Sleeves?” (5 points). Think of it, you have just written your brains out and the last question is—What are Raglan Sleeves?

After that exam, my classmates were in high dudgeon. You could hear the refrain bounce from one to another, not about the hard civil procedure questions, but “What are Raglan Sleeves? What kind of question was that?”

8. 299 U.S. 109 (1936).

9. *Id.* at 117.

It was that kind of question that demonstrates Chris Brown's humor, a humor that requires you to tilt your head to the left, look up over your glasses, and twist your mind a bit. If you do, you get the joke and laugh.

Whether he was pushing us to understand the complexity of the law or showing us that a sense of humor could and should temper our intensity, it was all part of teaching us to be lawyers who should think deeply and laugh often.

I offer this; on behalf of all the students Chris Brown has challenged, taught, confounded, and entertained, with an eye to making good lawyers of us all—it was worthy work and a worthy goal. Well done, really well done.

CLINTON BAMBERGER*

The most authentic tribute to Chris Brown is the life he has lived as a lawyer—what he has accomplished. My tribute to him recalls just a few of the good things Chris has done that stand out in my memory. As scholar, teacher, builder of legal institutions, and advocate for persons and causes on the margins of our society, Chris Brown has led the best of life in law.

Chris was Editor in Chief of the law journal at Georgetown University's Law School. He graduated in 1968 and clerked on the United States Court of Appeals for the District of Columbia Circuit.

For his first two years of law practice in 1969 and 1970, Chris was a Reginald Heber Smith Community Law Fellow representing the poor in the Neighborhood Legal Services Program in Washington, D.C.¹⁰ Professor Roger Wolf and Chris represented tenants under the tutelage of Professor Florence Roisman, one of the most accomplished poverty lawyers, a national expert on the law of tenants and landlords, and now a distinguished law professor at Indiana University.

* Emeritus Professor, University of Maryland School of Law. B.S., Loyola College (Baltimore), 1949; J.D., Georgetown University, 1951.

10. The Reginald Heber Smith Community Law Fellows, or "Reggies" as they were known, were in 1969 two hundred and fifty accomplished recent law graduates and young lawyers from prestigious law schools who were chosen and trained to practice for one or two years in federally funded offices providing legal services to the poor. The Fellows were the "best and brightest" of young lawyers. The Fellowships were granted annually from 1968 until 1982. EARL JOHNSON JR., *JUSTICE & REFORM: THE FORMATIVE YEARS OF THE OEO LEGAL SERVICES PROGRAM* 174–80 (1974); LAWRENCE J. FOX, *Legal Services and the Organized Bar: A Reminiscence and a Renewed Call for Cooperation*, 17 *YALE L. & POL'Y REV.* 305 (1998).

The practice was exciting and challenging. The office fashioned major national reforms in the law of tenant and landlord. Chris's mentor, Professor Roisman, was the lead advocate for the tenants in *Javins v. First National Realty Corp.*,¹¹ the decision that established the doctrine of warranty of habitability in rented residential property, and in *Edwards v. Habib*,¹² which established for tenants the protection from retaliatory evictions. These legal doctrines reformed the law of tenancy throughout the United States. The law became less skewed in favor of landlords.

After their fellowships, Chris and Professor Michael Millemann, also a Reggie, moved to the Maryland Legal Aid Bureau as lawyers for the poor in Baltimore. In 1975, Chris Brown began a new chapter in his legal career when he joined the faculty at the University of Maryland School of Law.

In the midst of learning the skills of teaching law, Chris moved from advocacy for the poor in trial courts in the District of Columbia and Maryland, to representing the poor in the Supreme Court of the United States. Before he was thirty-six years of age, Chris had appeared in the Supreme Court in three cases! In the first case he represented children of a deceased wage earner seeking Social Security benefits.¹³ In the second case his clients were illegitimate children challenging a denial of Social Security benefits.¹⁴ The case was argued twice in the federal district court and twice in the Supreme Court. In the third case Chris's clients challenged Maryland and federal administrative rules denying federal benefits to dependent children of unemployed fathers.¹⁵

In 1982, while continuing as a full-time professor at the Law School, Chris started a law firm, Brown, Goldstein & Levy, which is one of the best law firms in the Baltimore metropolitan area. Chris has become a lawyer's lawyer: the lawyer to whom lawyers go when they need help. Chris and the firm continue to represent the underprivileged—the people pushed to the margins of society. The firm is a leader in, among other matters, representing persons with disabilities, victims of racial discrimination in housing, and low wage workers cheated by employers.

While teaching and building a law firm—more than enough for an ordinary human being—Chris rebuilt the Maryland chapter of the

11. 428 F.2d 1071 (D.C. Cir. 1970).

12. 397 F.2d 687 (D.C. Cir. 1968).

13. *Mathews v. Lucas*, 427 U.S. 495 (1976).

14. *Norton v. Mathews*, 427 U.S. 524 (1976).

15. *Batterton v. Francis*, 432 U.S. 416 (1977).

American Civil Liberties Union, which had fallen on hard times. In the early 1980s, ACLU-MD had an office behind a suburban grocery store, no full-time staff, and only an answering machine to receive requests for advice and assistance. The office was not engaged in important civil rights litigation or cases seeking institutional reform. It was among the least effective ACLU offices in our nation. Chris was elected to the Board in 1983 and became the President in 1986. Over the next several years, the Board hired an Executive Director and a Legal Director, and in 1990 opened an office on the Eastern Shore to address issues of racial discrimination and poverty there. Chris's commitment and energy transformed ACLU-MD into one of the most effective and professional ACLU offices.

From 1985 until 1995, Chris devoted much of his law practice to make it possible for African Americans to be elected to political office on the Eastern Shore of Maryland for the first time in the history of elections there. For over 200 years, no African American had been elected to political office on the Eastern Shore. The elections were conducted in the political subdivisions at-large. The overwhelming majority of white voters in at-large elections excluded African-American candidates from political office. African-American candidates had been successful only in one single-member district in the town of Cambridge, which had a substantial number of African-American voters.

Starting in 1985, Chris spent much of his time persuading the counties and towns to adopt single-member districts where African-American candidates would have a reasonable chance of success. His effort was successful everywhere except in Worcester County. The County refused to change the method for its elections. When it was clear that neither the executive nor the legislature of Worcester County would adopt single-member districts, Chris turned to the judiciary for the remedy. From 1992 until 1995, Chris was the lead attorney in litigation in federal court that made it possible for African Americans to be elected to public office in Worcester County.¹⁶ The litigation against Worcester County went to the United States Court of Appeals for the Fourth Circuit and the Supreme Court more than once. The final judgment under the Federal Voting Rights Act required Worcester County to hold elections in single-member districts; including one district in which there was a majority of black voters. Since 1995, African Americans have succeeded in elections in every

16. *Cane v. Worcester County*, Nos. 95-1122 & 95-1688 (4th Cir. June 16, 1995) (per curiam); *Cane v. Worcester County*, 35 F.3d 921 (4th Cir. 1994).

part of the Eastern Shore as a direct consequence of Chris's negotiations and advocacy.

This is a very short account of only those accomplishments of Chris Brown that stand out in my memory. A full account of Chris's life as a lawyer would tell much more of his work for fairness and equality for the poor.

Chris began as an advocate for the poor and the disadvantaged and has never lost that focus. His teaching, his mentoring, and his dedication have led many others to follow his example of service in the law for the poor. The lives of all of us are better for what he does.

Chris leads the best of life in the law—may he continue for years and years.

MY LAW PARTNER, CHRIS BROWN

ANDREW D. LEVY*

Chris Brown has been my law partner for almost seventeen years. Those who have not had the opportunity to practice law as a member of a small firm may not fully appreciate the bond forged by this sharing of lots, with its peculiar and potentially combustible mix of entrepreneurial and professional pressures. A successful law partnership requires the day-to-day devotion of energy, empathy, generosity, and resistance to complacency second only to a good marriage. No one could ask for a better law partner than Chris.

Chris embarked on the private practice of law as an adjunct to his teaching responsibilities in 1982. In the words of the firm's Website, "Chris, who had already argued three cases in the U.S. Supreme Court, wanted to bring the passion and analytical skills he had developed as a public interest lawyer and academician to the legal problems faced by private clients."¹⁷

His partner, then as well as now, was Dan Goldstein, recently retired from the United States Attorney's Office in Baltimore. Dan was looking for an alternative to the large corporate firm where he had briefly practiced before becoming a prosecutor. Chris and Dan, their personalities as seemingly different as yin and yang—Dan is as pas-

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17. Brown, Goldstein & Levy, <http://www.browngold.com/firmhistory.cfm> (last visited Jan. 29, 2007).

sionate and mercurial as Chris is measured and taciturn—"shared space" for a couple of years (a flirtation in which each contributed a share of the expenses but was in business on his own).

In 1984, they formally hung up their shingle as "Brown & Goldstein." "Together, their vision was to establish a successful law firm, committed to rendering top-notch legal services to a broad range of clients, without sacrificing the deep sense of community and social responsibility that was important to both of them."¹⁸

Or, put more succinctly, to do good and do well.

During all of the time that he has practiced law, Chris has also been a tenured law professor with teaching and faculty committee responsibilities. This model, combining academia with a real-world practice, has long been routine in medical education. But it is rare among law professors, and twenty-five years ago, when Chris began his hybrid existence, it was virtually unknown. This was also well before law schools had embraced "clinical" law curricula. And in truth, clinical law education, where students represent low-income clients under the tutelage of a faculty member, is far different from what Chris had in mind. Chris wanted a genuine private practice without giving up teaching as a central part of his life, one he very much loved.

Although I've never talked to him about it in these precise terms, I doubt that Chris set out to do anything unusual, or purposely groundbreaking. I assume, rather, that he did what he usually seems to do: ignore convention, and just do what seemed to make the most sense at the time. Chris has never been one to toot his own horn or grandstand. He simply goes out and does what needs to be done.

And lest anyone think that Chris is a mere hobbyist, he is perennially included in *Best Lawyers in America*,¹⁹ and in 2000 he was inducted as a fellow of the American College of Trial Lawyers, perhaps the most sought-after honor for an American litigator. According to the College: "Fellowship is extended only by invitation, after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality."²⁰

Today, Brown, Goldstein & Levy (as it is now known) is a firm of twelve lawyers. Although it is best known for its public interest and

18. *Id.*

19. STEVEN NAIFEH & GREGORY WHITE SMITH, *THE BEST LAWYERS IN AMERICA* 2007 (2006).

20. American College of Trial Lawyers, About Us-Membership, <http://www.actl.com/Content/NavigationMenu/AboutUs/Membership/default.htm> (last visited Jan. 29, 2007).

civil rights advocacy litigation, the truth is that it handles a widely diverse docket consisting of both criminal and civil cases, the latter on behalf of both plaintiffs and defendants. And while over the years BG&L has received a variety of awards, such as the Washington Lawyers' Committee for Civil Rights and Civil Affairs Award for Outstanding Achievement, and the Maryland State Bar Association People's Pro Bono Project, *Pro Bono Publico* Award, you might say that we are most proud of the fact that in twenty-five years we've never missed a payroll (partners' draws are another matter, however!).

Above all, the law firm Chris Brown founded many years ago remains a place filled with interesting, talented, committed, and above all, decent people with whom it is a pleasure to share one's working life. It is, in sum, a place filled with people very much like Chris himself.

GARRETT POWER*

I write on behalf of C. Christopher Brown who has retired after thirty years of teaching at the University of Maryland School of Law. Others will tell you about Chris's distinguished career before the bar and their experiences with him as a classroom teacher. It is my task to celebrate Chris's work as a student of politics and history.

Chris was born in 1941 and raised in the Blue Hen state of Delaware. He received his education in Dover, Delaware public schools and then went on to Swarthmore College. After graduating from Swarthmore, Chris returned to Delaware where he received a Master's degree in political science from the state university.

After taking his degree Chris forsook the study of politics for the study of law. He matriculated at Georgetown University Law Center, where after serving as Editor in Chief of the law journal, he graduated in 1968.

Chris then proceeded to become one of the "Best Lawyers in America." He argued before the Supreme Court of the United States. He founded Maryland's leading pro bono law firm. He served as General Counsel for the ACLU of Maryland. He wrote the book on Maryland civil litigation. He became an emeritus professor at the University of Maryland School of Law.

* Professor Emeritus, University of Maryland School of Law. B.A., Duke University, 1960; LL.B, Duke Law School, 1962; LL.M., University of Illinois, 1965.

But lawyer-Brown had not really forsaken his abiding interest in politics and history. The old adage says “you can’t go home again” but Chris has found a way. Chris’s research and scholarship took him back to his place of origin.

Chris has used his skills as a legal historian to preserve the record of the disenfranchisement and abuse of African Americans in Delaware and Maryland’s Eastern Shore, where he was born, so that they not be forgotten. In three pieces published in the *Maryland Historical Magazine* and a book in progress he has preserved this tragic story of race-relations past.

Hence C. Christopher Brown has made his mark as a distinguished practitioner of law, teacher of law, and historian of law.