



HONORABLE ALBERT BRANSON MARIS

**A TRIBUTE TO
JUDGE ALBERT BRANSON MARIS
(1893 - 1989)**

Honorable William J. Brennan, Jr.
Honorable John J. Gibbons***

Judge Albert Branson Maris served on the Court of Appeals for the Third Circuit from June 1938 until his death in January 1989. In June of 1988, in recognition of his fifty years of continuous and distinguished service, the Third Circuit dedicated a courtroom in his honor in the United States Courthouse in Philadelphia, Pennsylvania. The following remarks made by the Honorable John J. Gibbons, Chief Judge of the Court of Appeals for the Third Circuit, and the Honorable William J. Brennan, Jr., Associate Justice of the United States Supreme Court at the dedication ceremony summarize the contributions made by Judge Maris to the federal judiciary. For those reasons, and with great appreciation, the Seton Hall Law Review dedicates this special symposium issue on Third Circuit law in memory of Judge Maris.

Judge Gibbons began with the following remarks.

Appointed to the United States District Court for the Eastern District of Pennsylvania in 1936, Judge Maris served as a member of that court until June of 1938 when President Franklin Delano Roosevelt nominated him as a Circuit Judge. Thus, Judge Maris has served as an Article III Judge for over 52 years. Judge Maris' 50 years of service as a judge of this court has not been equaled by any other federal appellate judge in the nation's history. Judge Maris came to this court at a time when its luster had been dimmed by the infirmities and the other shortcomings of some of his predecessors. But it was not long before his industry, scholarship, temperament and integrity produced a remarkable change in the perceptions which the public and the bar had of him.

Maris' reputation as a formidable legal intellect who was at the same time a practical court administrator, led Chief Justice Stone to appoint him in 1944 to the Chairmanship of the Committee on the Revision of the Laws of the Judicial Conference of the United States. In that capacity, he led a renowned group of jurists, practitioners and academic scholars in the recodification of the United States judicial and criminal codes. And he dealt with Congress on behalf of

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the judicial conference of the United States in sheparding those vital recodifications through the legislative branch.

In addition to his work for the Court of Appeals for the Third Circuit, and for the Judicial Conference of the United States, Judge Maris served during World War II and thereafter as Chief Judge of the Temporary Emergency Court of Appeals; a unique national tribunal charged with judicial review of war time emergency price control legislation. In that capacity, he heard and decided cases arising throughout the United States.

In 1958, shortly after a statutory change authorized the status of Senior Circuit Judge, Judge Maris notified the President of his decision to elect for that status. He was then at the peak of his physical and intellectual powers and he took senior status primarily to set an example under the new statute by creating a vacancy while he continued to work as a judge. Even though he was already a Senior Judge, Maris' extraordinary reputation caused Chief Justice Warren to appoint him in 1959 as Chairman of the Prestigious Standing Committee of the Judicial Conference on Rules of Practice and Procedure; an appointment which was continued by Chief Justice Burger until 1974.

As Chairman of the Standing Committee, he oversaw the ongoing study and revision by five advisory rules committees of the civil, criminal, bankruptcy, admiralty, and appellate rules of the United States Courts. Judge Maris' tenure as a Circuit Judge coincides with the five decades of Federal Court rule-making under the Rules Enabling Act of 1938 and it is no exaggeration to suggest that the success of the movement which permitted courts to control their own procedural rules with only limited Congressional oversight was due largely to the leadership he exercised in the implementation of that statute.

While he was a Senior Judge, the Supreme Court also appointed Judge Maris as a Special Master in a number of complex disputes between the United States and the states, and between the states over title to off-shore mineral resources and over water rights, which involved perhaps more wealth than any other court cases ever decided.

As busy as he was with the work of the Standing Committee and as a master of the Supreme Court, Judge Maris sat regularly on appeals in this court. Thus, when I first joined the court in 1970, he was a frequent participant in panel decisions. He also continued to be scrupulous in attendance at our administrative meetings at which matters of court administration were decided. That is how I came to

know and to love this great man. Strong in conviction, yet temperate in expression, he has always brought to our discussions, the quality which served as a reminder of the approach which Article III Judges should take toward the discharge of their awesome responsibilities.

His encyclopedic knowledge of the legislative history of statutes governing our jurisdiction and of rules governing our practice, has served us all one time or another to avoid serious blunder. Looking back, over many years of judicial service with him, I can attest that he often dissuaded us from innovations in the law with superficial appeal, but little hope of long range success.

Both before and after taking Senior Judge status, Judge Maris maintained a particular interest in the affairs of the people of the Virgin Islands. He assisted in drafting the revised Organic Act of the Virgin Islands which Congress in 1954 enacted as the equivalent of the constitution for that territory. He was, moreover, instrumental in the codification of the internal laws of the Virgin Islands adopted by the territorial legislature in 1957. Because of his expertise in that respect, he also was called upon to prepare revisions of the judicial codes of Guam, the trust territory of the Pacific Islands and American Samoa, which were enacted by the legislatures of those territories.

Of all of the fond memories I have of Judge Maris, perhaps the fondest are occasions when we went to the Virgin Islands together. Albert was a mere youngster in his 80's. At the end of our day's work, he would return to a beach side hotel and shortly thereafter, this extraordinary octogenarian would appear on the beach with his snorkeling equipment headed for the nearest reef where he would join the tropical fish while the light lasted.

On one occasion, he heard that I knew where to charter a sailboat. Despite admonitions from some of my more timid brethren that I was far too adventurous a helmsman, Albert insisted that we spend a day sailing, and we did. We left Saint Thomas and explored the many lovely small coves along Drakes Channel on the north shore of Saint Johns and he pointed out to me every important landmark along the shore and the history of each. The vagaries of the panel system never brought us back together to Saint Thomas. But if we went tomorrow, I would love to sail with him and I'm sure that he would go along, for he worked with us regularly, having participated in over 75 case dispositions last year. The significance of the occasion which we celebrate, is attested to by several communi-

cations including letters of tribute and gratitude from both President Reagan and Chief Justice Rehnquist.

The recipient of numerous honors, Judge Maris in 1983 received the first Edward J. Devitt Distinguished Service to Justice Award carrying with it an honorarium of \$10,000. As in the case of the Devitt Award, he was the first recipient of the Virgin Islands Medal of Honor conferred on him in 1958. He has also received honorary degrees from Temple University in 1940; from Drexel University in 1946; from Haverford College in 1957; from Swarthmore College in 1968 and from Villanova University in 1974.

These and other honors were entirely fitting, but it is even more fitting that the members of this court acknowledge our special debt to him and our abiding respect and affection for him in a special way. One way of our doing so is to hang his portrait in a place of honor in our main place of business, the Third Circuit Courthouse, and to name this room for the man whose portrait now occupies a place of special prominence in it.

Justice Brennan continued with the following remarks.

It's been a very particular privilege and pleasure to join with you today in this so richly deserved tribute to Albert Maris. As Chief Judge Gibbons has emphasized, throughout his 50 years as a federal judge, his brilliant achievements richly earned him a reputation so deserved as one of the really great American judges of this century. His prodigious intellect produced innumerable great opinions, models of clarity, construction and legal reasoning and his work was highlighted in the highest degree by deep and perceptive insights into the larger functions of law.

His colleagues on the federal courts not only in the Third Circuit, but throughout the country freely acknowledge their debt to him for his extraordinary work as a member or chairman of the important committees, as Chief Judge Gibbons mentioned, of the Judicial Conference of the United States.

There was a service that earned from his close friend and colleague former Chief Judge John Biggs, the appraisal that his work as Chairman of the Committees on Rules of Practice and Procedure, and I quote Judge Biggs, "is as important as anything ever done in the procedural field of federal law." The Judicial Conference itself has said, "no man has given more of his magnificent abilities to important committee work, nor has anyone accomplished so much."

May I emphasize what Chief Judge Gibbons referred to about his work in the Virgin Islands. It was such that the people of the islands have bestowed upon him the title of practically the patron

saint of our islands. Almost single handedly, he organized a system of laws and judiciary and it was said of him and I quote: "The Virgin Islands' mind cannot conceive of a single aspect of our affairs in an upward struggle which was not the legatee of Judge Maris' deep concern and wisdom. Spiritual godfather of us all, he has unstintingly given of himself without heed to personal sacrifice, where his contribution has indeed been colossal."

Our court, the Supreme Court, is also very much in the debt of Albert Maris.

As Chief Judge Gibbons mentioned, he has served as special master in some of the most difficult and important original cases that the court has been called upon to decide in this century. For example, his report as special master in *Wisconsin v. Illinois*,¹ a most complex and difficult case involving rights claimed by the United States and seven other states in the waters of Lake Michigan, provided not a single exception of any of his report and proposed decree both of which we unanimously adopted.

On a personal note, I take the greatest pride in my cherished friendship with Judge Maris over more than 31 years. I've always liked best Judge Biggs' salute to Judge Maris on his 80th birthday when he spoke for all of us in saying, "Albert, you are our kind, wise, gentle, loving, helpful friend."

¹ 278 U.S. 367 (1928).