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# Dedication to Albert Branson Maris

William J. Brennan Jr.

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1974-1975]

## THIRD CIRCUIT REVIEW

### *Dedication*

To

ALBERT BRANSON MARIS

*The Board of Editors of*

THE VILLANOVA LAW REVIEW

*humbly dedicates this year's Third Circuit Review.*

ALBERT BRANSON MARIS

Every list of great and famous American judges has the name of Albert Branson Maris near the top. The brilliant achievements that he has crowded one upon another over a judicial career of 37 years have few parallels. A judge of prodigious intellect emerges from his many opinions as Chief Judge of the Emergency Court of Appeals during World War II, as Judge of the Court of Appeals for the Third Circuit, and as District Judge. The term "landmark opinions" is an over-worked cliché but it has seemed peculiarly fitting when applied to opinions from his pen. Bernard G. Segal, distinguished practitioner and former President of the American Bar Association, fittingly voiced the appraisal of Bench and Bar :

He has become one of the most highly regarded appellate judges in the federal system. His opinions—models of clarity, construction, and legal reasoning—have always reflected a rich background of culture and learning, the results of industrious and comprehensive research. A quiet, modest man, he is a lightning analyst of the facts, and a profound student of the law. He possesses in the highest degree deep and perceptive insights into the larger functions of law in our turbulent and rapidly changing society.

One risks challenge, however, if he asserts that Judge Maris' appellate work is his greatest contribution to the law. A strong case can be made that his extraordinary work as member or chairman of the important committees of the Judicial Conference of the United States deserves at least equal rank. That work made him as widely known as any federal judge in the country, and earned him the enduring affec-

tion and gratitude of the Federal Bench and Bar. Former Chief Judge Biggs, his close friend and colleague throughout his career, has said that his work as Chairman of the Committee on Rules of Practice and Procedure "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." President Eisenhower, Chief Justice Stone, Chief Justice Warren, and Chief Justice Burger have also lauded in glowing terms his contributions to the improvement of our system of justice.

But there is still more. His outstanding contributions to the Virgin Islands have deservedly earned him the title of "practically the Patron Saint" of the people of those Islands. Almost singlehandedly he reorganized its system of laws and judiciary to effect the assimilation of the territory into the federal system. Chief Judge Christian of the Virgin Islands' District Court has said,

Indeed, it can truthfully be said that in the span of the last quarter of a century — years associated with dramatic growth in every facet of life in the territory of the Virgin Islands — there was hardly a single piece of legislation of any moment, whether enacted by the Congress of the United States or the Legislature of the Virgin Islands, that did not emanate from the mind and pen of Albert Branson Maris, or at least bear his imprimatur.

. . .

The Virgin Island's mind cannot conceive of a single aspect of our affairs in our 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. In sum, his contribution has been so colossal as it has been varied.

And there is yet even more. My colleagues and I freely acknowledge the Supreme Court's great debt to Judge Maris for the outstanding and extraordinary services he has performed for the Court as Special Master in some of the most important Original Cases that the Court has been called upon to decide in the past century. For example, his report as Special Master in *Wisconsin v. Illinois*,<sup>1</sup> a complex and difficult case involving rights claimed by the United States and seven of the States to the waters of Lake Michigan, provoked not a single exception from any party, and his report and proposed decree were unanimously adopted by the Court. More recently, in *United States v. Maine*,<sup>2</sup> a

1. 388 U.S. 426 (1967).

2. 413 U.S. 129 (1973). (U.S. Mar. 17, 1975) (No. 35, Orig.).

case brought by the United States against 12 Atlantic Coastal States, we were required to decide whether the States or the Federal Government owned the right to explore and exploit the natural resources of the seabed and subsoil of that portion of the continental shelf underlying the Atlantic Ocean which is more than 3 geographical miles seaward from the coastline of the United States. Judge Maris, again in the role of Special Master, identified and explored the difficult issues presented and was of immense assistance to us in deciding that important case.

It is most fitting, then, that the Villanova Law Review should honor Judge Maris and to quote Judge Learned Hand, “Acclaim one who — himself all unaware of his deserts — has so richly earned our gratitude.” On a personal note, I take great pride in my cherished friendship with Judge Maris over more than 18 years. Judge Biggs’ salute to Judge Maris upon his 80th birthday spoke also for me and his great host of friends: “Albert, you are our kind, wise, gentle, loving, helpful friend.”

*Justice William J. Brennan, Jr.*