

Judicial Profile

HEATHER VAN METER

Hon. Anna J. Brown U.S. District Judge, District of Oregon

A FEW YEARS after their immigration to the United States in 1952, Judge Anna J. Brown's parents, Margarete and Adalbert Jaeger, studied for their citizenship exams. With meticulous care, Margarete made handwritten notes of various study questions and answers, including the question, "How long does a federal judge serve?" Although the answer, "during good behavior," was not particularly significant at the time, it



foreshadowed the commission, signed by President Clinton on Oct. 26, 1999, appointing Anna J. Brown as a U.S. district judge for the District of Oregon "during her good behavior." The judge's parents, however, never dreamed that their first American-born child would become a federal judge. The family came to America simply looking for a better life. They found it, and, in return, their adopted homeland received one of its most hard-working, humble judges.

Like so many Europeans displaced after World War II, the Jaeger family lost everything, including their farm in East Prussia. Fortunately, an uncle who had immigrated to Portland years earlier (Hugo Jaeger,

and his wife, Lydia) sponsored the Jaegers and their two young daughters, Irmgard and Rita. The Portland Jaegers moved the young family into their already crowded house in the Sellwood neighborhood of southeast Portland and put Adalbert to work on the night shift at their local dry cleaning business. Anna was born a few months later.

Although German was Anna's first language, the household grew to be bilingual as her parents and sisters learned the language of their new home. Aunt Lydia and Uncle Hugo generously provided all the basic necessities, allowing Brown's parents to save their earnings and buy a nearby house of their own—for cash—just a few years later. The family was complete with the arrival of another daughter, Mary, and a son, Joe. Everyone worked hard to meet the family's needs, and all five children attended local Catholic schools, working to earn money for their tuition, uniforms, and extras, like piano lessons.

Winding Path to Law School

A coincidence of circumstances brought Brown to the path that led to law school. Because of family responsibilities, she hadn't planned to attend college. However, her high school teachers at St. Mary's Academy insisted that Brown reconsider and helped her arrange for financial aid to enroll at Lewis and Clark College. Initially, she began coursework to become a high school chemistry teacher. To her surprise, she found the job that she took for her work-study program as a police dispatcher much more interesting. Eventually, she transferred to the administration of justice program at Portland State University, working her way through college. She was lucky enough to take a constitutional law class taught by future Oregon Supreme Court Justice W. Michael Gillette (Oregon's solicitor general at the time), who was the first to encourage her to attend law school. But, when Brown graduated from Portland State in 1975 and began working as a 911 operator for the city of Portland, law school did not seem to be practical. Nonetheless, the idea took hold. When a colleague at work bet Brown that he could outscore her on the law school admissions test, she accepted the challenge.

Brown ultimately enrolled in law school at night at Lewis and Clark College. In her second year of law school, she married Paul Brown, a police lieutenant in

Lake Oswego, and quickly expanded her family responsibilities to include four stepchildren. Her first job as a law clerk was with Vergeer Samuels Roehr & Sweek (now Cosgrave Vergeer Kester). The work was part-time, and, by 1978, Brown needed to return to full-time work. It happened that Multnomah County Circuit Court Judge John C. Beatty Jr. was looking to hire a law clerk, so Brown went to his courtroom to apply. She walked in during a trial and instantly “loved the courtroom.”

Brown worked for Judge Beatty full-time and, after observing trial proceedings of all kinds, she hoped to become a trial lawyer. In March 1980, as law school graduation approached, Brown’s mother passed away. At the same time, the Portland firm of Bullivant Wright Leedy Pendergrass and Hoffman (now Bullivant Houser Bailey) offered her a position as an associate, contingent upon passing the bar exam. Having just lost her mother and with her father also in failing health, Brown was hesitant about her chances of passing the bar and keeping the Bullivant offer intact; therefore, she asked Judge Beatty not to hire her replacement right away. While waiting for the bar results, Brown’s father was hospitalized and anxiously worried that his daughter would not pass the exam. From his perspective, it was enough of a milestone for a daughter to graduate from college in the first place, and the additional effort, expense, and stress of law school was completely unnecessary. Once Brown learned that she has passed the bar, she called her father’s hospital room and asked his nurse to pass on the happy news. When Brown’s father heard it, he responded, “I knew she would.” He passed away a few days later.

Attorney to Judge

Brown began at the Bullivant firm in fall 1980. A well-respected trial lawyer, Brown feels fortunate to have had many chances to try cases and to have been one of the firm’s first female partners. She was active in several areas of bar and in public service, but, despite all her successes, she aspired to something different—something that was a better match for her problem-solving temperament. After just nine years in practice, she decided to seek a judicial appointment. She placed well (first) in several bar polls, and, in 1992, Gov. Barbara Roberts appointed her to a position on the Multnomah County District Court, which was in existence at the time. As a circuit judge, Brown tried criminal, civil, and family law cases and managed a docket of complex civil cases, including claims from asbestos-related illnesses and other mass torts. In 1996, when Circuit Judge Ancer Haggerty was appointed to the U.S. District Court, Gov. Roberts appointed Brown to the seat Haggerty had vacated on the circuit court. In 1998, Brown presided over the *Williams v. Phillip Morris* jury trial, the first tobacco



This photo was taken when the Jaeger family became American citizens. Clockwise (from left): Judge Brown’s father, Adalbert; sister, Irmgard; mother, Margarete; sister, Rita; and Judge Brown.

case in Oregon and a case that is still pending in the U.S. Supreme Court as of this writing.

Because Brown loved her work as a state judge, she was not inclined to look elsewhere until a colleague suggested that she apply for an opening with the U.S. District Court of Oregon. Brown had never really considered seeking a federal appointment, but several supporters thought the political climate at the time made her a good candidate. Brown believes that she was a relatively uncontroversial nominee and thus a “safe appointment,” given President Clinton’s difficulties with confirmations of judicial nominees by the Republican-controlled Senate. Brown’s Senate confirmation hearing took place in September 1999 when, unfortunately, her recently retired husband was on a long-planned African safari and could not be reached. Brown’s sister, Mary, attended the hearing as the family’s representative. With the gracious support of Senators Wyden and Smith, Brown’s hearing was swift and uneventful, and the Senate’s “consent” to her nomination was recorded on Oct. 19, 1999. By the time Brown’s “good behavior” commission was received, her husband had returned from his travels and was at her side for her swearing-in as a U.S. district judge for the District of Oregon on Oct. 26, 1999.

Judge Brown insists that there were many fortuitous opportunities and generous mentors leading her to law school and to becoming a lawyer, state court judge, and federal court judge. Despite her own strong intellect, dedication, and hard work, she humbly dismisses these traits, saying that they did not play a major role in her accomplishments. Her only regret is that her parents, who gave up so much so that their children would be raised as Americans, did not live to see how things turned out for her. She thinks of her

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(C.A.A.F. 2006) (concurring in the result).

²¹John Warner National Defense Authorization Act for Fiscal Year 2007, § 552, 120 Stat. 2083, 2217 (2006) (amending art. 2(a)(10), UCMJ, 10 U.S.C. § 802(a)(10)).

²²*United States v. Averette*, 19 C.M.A. 363, 41 C.M.R. 363 (1970).

²³18 U.S.C. §§ 3261 *et seq.*

²⁴C. 52.

²⁵Defence Legislation Amendment Act 2006, No. 159 (Australia), available at www.austlii.edu.au/au/legis/cth/num_act/dlaa20061592006275.txt/cgi-bin/download.cgi/download/au/legis/cth/num_act/dlaa20061592006275.rtf.

²⁶*Martin v. United Kingdom*, Application No.

40426/98 (Eur. Ct. Hum. Rgts. Oct. 24, 2006).

²⁷United Nations Economic and Social Council, Commission on Human Rights, 62nd Sess., *Civil and Political Rights, Including the Question of Independence of the Judiciary, Administration of Justice Impunity: Issue of the Administration of Justice Through Military Tribunals*, UN Doc. E/CN.42006/58 (Jan. 13, 2006) (draft principles governing the administration of justice through military tribunals).

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parents every time she presides at naturalization hearings and administers the oath of citizenship to new citizens.

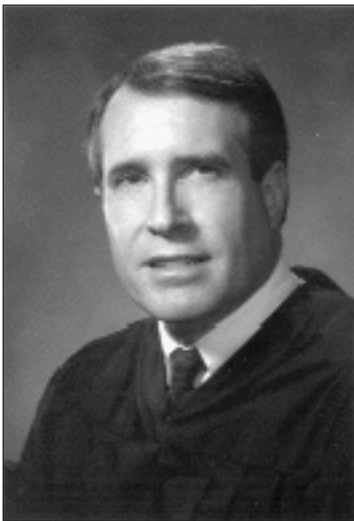
Judge Brown has settled into her role as a federal judge. Her office at the Mark O. Hatfield Federal Courthouse includes a small piano and a collection of red glass dishes, all well-ordered with white doilies reminiscent of old German homes. She spends her limited spare time with her husband and their very large but close family, including sisters, brother, nieces, nephews, cousins, stepchildren, and grandchildren—nearly all of whom live within a short drive of Portland. An avid traveler, gardener, and knitter, Brown and her husband recently took the extraordinary step of moving out of the city to live in a more rural setting in

Clackamas County.

Judge Brown looks forward to work every day, considers it an extraordinary privilege to serve as a federal judge, and notes that her favorite part of the job is the “daily ability to accomplish something.” **TFL**

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have been incredibly enthusiastic. At the kickoff event, Chief District Judge

B. Lynn Winmill met with law students and fielded questions about federal court practice. The chapter's past president, Ted Creason, also took the opportunity to introduce the Federal Bar Association to the students and to invite them to become law student members. Two other “Juice with the Judge” gatherings are planned in the central and southern part of the state with Judge Larry M. Boyle and Judge Mikel H. Williams. In addition to the “Juice with the Judge” program, the Idaho Chapter has offered to pair any interested law student member with a mentor-member of the chapter. The “Juice with the Judge”

Idaho Chapter: At the kickoff event of the “Juice with the Judge” program—Chief District Judge B. Lynn Winmill, U.S. District Court for the District of Idaho.

and chapter law student membership programs received an enthusiastic welcome from the law students; from the law school's placement officer, Anne-Marie Fulfer; and from Donald Burnett, the dean of the law school. **TFL**

Chapter Exchange is compiled by Anne Daugherty, FBA manager of chapters and circuits. Send your chapter information to adaugherty@fedbar.org or Chapter Exchange, FBA, 2011 Crystal Drive, Ste. 400, Arlington, VA 22202.