

## Judicial Profile

JARROD KIEFFER AND HON. MONIT L. BELOT

# Hon. Wesley E. Brown Senior U.S. District Judge, District of Kansas

**AFTER 51 YEARS on the bench, District Judge Wesley E. Brown of the District of Kansas may be the oldest serving district judge in the United States.**

Judge Brown was born on June 22, 1907, in Hutchinson, Kansas. His father was a successful businessman, and the family enjoyed what today would be termed an upper middle-class lifestyle. Then, when Judge Brown was eight years old, his father became blind and was unable to work. At that time, there were no government safety nets; so to make ends meet, the young Wesley Brown, his mother, and older sister had to go to work. His mother took a job in a dry goods store, where Judge Brown worked as well, for which he was paid \$1 or \$2 per day.

Although the family's financial situation changed for the worse, Judge Brown will be the first to say that his childhood was normal and fun. He was involved in school activities and had lots of friends. Nevertheless, he listened when his father told him that having a profession allowed a person the independence and security of working for oneself rather than for someone else. Thus, at an early and formative age, Judge Brown learned the importance of hard work and independence. It is hardly surprising that he decided to become a lawyer.

The road Judge Brown took to become a lawyer was not an easy one. In 1925, he enrolled at the University of Kansas—where one of his teachers was Dr. James Naismith, the inventor of basketball. After his freshman year, his financial situation forced him to leave the university and return to Hutchinson, where he lived with his parents and worked in a bank to earn enough money to finance the rest of his college education. He returned to the University of Kansas in 1927 and, in 1929, started attending law school at what was then known as the Kansas City School of Law (now the University of Missouri at Kansas City School of Law). He went to school at night and worked days at a Ford Motor Company assembly plant. Initially, his job at Ford provided him sufficient income, but as the Depression deepened, Ford began laying off employees and Judge Brown eventually lost his job. Ironically, he filled out his own pink slip.

Once again, Judge Brown was forced to go home to Hutchinson, where he worked for two law firms until he had saved enough money to finish law school. Fol-



lowing graduation in 1933, Judge Brown passed both the Missouri and Kansas bars and returned to Hutchinson, where he started his practice of law at the firm of Williams, Martindell & Carey. The Depression was still going on, and his salary was \$25 per month. He was greatly inspired by, and learned much about the practice of law from the firm's principals, especially Bill Carey, a Rhodes Scholar and a member of the Carey Salt family. But his \$25 monthly salary did not go very far, and he was anxious to marry a fellow student, Mary Miller, who was finishing law school in Kansas City.

To earn the income his plans required and with the encouragement of his firm, Judge Brown decided to run for Reno County attorney on the Democratic ticket—a position that paid \$3,000 per year. His platform was simple: “Enforce the law”; his opponent’s was “Enforce Prohibition.” Perhaps Prohibition was not all that popular in Reno County, and Judge Brown won the election. He and Mary celebrated his election by getting married, and they established their home in Hutchinson. Judge Brown served two terms as coun-

ty attorney, and, as some Reno County residents—including members of a local country club—came to learn, much to their chagrin, Prohibition was one of the laws Judge Brown enforced. Speaking of country clubs, Judge Brown is the last surviving founding member of Prairie Dunes Country Club in Hutchinson, whose golf course is consistently rated as one of the finest in the United States. Judge Brown played golf there until the age of 99.

Judge Brown has always been interested in politics. Although his successful campaigns for county attorney were his only runs for elective office, he stayed active in the Democratic Party, later turning down entreaties that he run both for governor and U.S. senator. Because of the fund raising required, he did not want to be obligated to those who raised and contributed campaign funds. Instead, he devoted himself to the practice of law and to his family, which had grown to include two children—a son, Miller, and a daughter, Loy. As with most lawyers practicing in smaller Kansas communities, Judge Brown's practice varied, but eventually it became concentrated in labor relations.

When World War II intervened, Judge Brown joined the Navy at the age of 37 and served through the end of the war as "the oldest lieutenant in the Navy." One of Judge Brown's duty stations was the Philippines, where Delmas Hill, another Kansas lawyer and an active member of the Democratic Party, was serving in the Army. Hill had aspirations to become a federal judge and got Judge Brown thinking along the same lines. Ultimately, in 1949, Hill became a U.S. district judge and later a judge on the Tenth Circuit Court of Appeals.

After the war ended, Judge Brown continued in private practice with his old firm, working primarily in the field of labor law. He became increasingly active in the Kansas Bar Association and the Kansas Democratic Party, attending the national convention in 1956, where he heard and was greatly impressed by then Sen. John F. Kennedy.

In 1958, Judge Hill asked Judge Brown if he would accept an appointment as a referee in bankruptcy court. (Bankruptcy judgeships were not established until the passing of the Bankruptcy Reform Act of 1978.) After discussing the position with Mary and his law partners, Judge Brown agreed to take the job and moved to Wichita. During his four years as referee, the bankruptcy court's caseload increased substantially, and Judge Brown instituted several innovations that allowed for more prompt processing of bankruptcy cases. Then, in 1961, Judge Hill moved to the circuit, and Congress authorized another district judgeship for Kansas. President Kennedy appointed Judge Brown to one of the positions. When he took the bench in April 1962, Kansas had three district judges: one in Kansas City, one in Topeka, and one in Wichita. Today Kansas has nine district judges.

Because of his long tenure as a district judge—47 years and counting—it is impossible to summarize

here all that he has done and is still doing. Judge Brown has been a senior U.S. district judge longer than the judicial careers of most active federal and state judges! He has handled thousands of cases as a district judge and many appellate cases as a senior judge, while sitting by designation as a judge on the Temporary Emergency Court of Appeals and numerous circuit courts. He has received wide recognition and many awards that he modestly, but erroneously, dismisses as having been given simply because of his age. At the age of 102, he continues to arrive at the office at 8:30 a.m. Although he has been a senior judge since 1979—a position that entitles him to a reduced caseload—he carries his share of both criminal and civil cases, which are now divided among the four district judges who sit in Wichita.

Those who don't know Judge Brown might well wonder why he has continued to work for decades beyond what most people consider retirement age. He's not doing it for the money, because, as an Article III judge, his salary continues undiminished for, as he puts it, "life or good behavior, whichever one loses first." He's not out to set a longevity record—he has long since been the oldest actively working federal judge and it's doubtful that anyone will ever surpass his tenure in office. Those who know him recognize that he is motivated by other factors: the importance of hard work; the duties and responsibilities attendant to judicial office; and, most of all, his lifelong dedication to and respect for the law and the nation's legal system.

Lawyers look forward to appearing in Judge Brown's courtroom because he is always prepared. His approach to his work is practical and solution-oriented. He knows how to cut to the chase and how to get to the bottom line. Lawyers, witnesses, and jurors who do not know him express absolute amazement at his ability to conduct trials expeditiously, fairly, and, when appropriate, with good humor. Most refuse to believe his age.

One of the most notable things about Judge Brown is that he lives in the present and looks forward to the future. He does not dwell on the past and, instead, has to be encouraged to tell stories about the "old days," which, for example, extend back to the time he supported Woodrow Wilson. Judge Brown's philosophy of life is to emphasize the positive and be ready to deal effectively with the negative. He is an inspiration and example to others. Truly, he is an amazing man. **TFL**

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