

payment we got, Hank gave him his paper sack full of money, and the man said, "Mr. O'Neal, don't give me no more money."

*PROFESSOR LONGAN:* He thought something must be wrong.

*MR. BROWN:* He thought we were doing something crooked. Those cases were great entertainment. We had a lot of fun doing those cases and had a lot of fun with T.D. Wilcox. When we would win the cases we worked on with T.D., he always teared up a little. I would say, "Don't weep. It's time to smile." When I lost a case, I allotted myself one day to pout or get in the bed and cover my head up or whatever I did to ease the pain, but then I would go back to work the next day. I found that's the best way to deal with that.

*PROFESSOR LONGAN:* Cry if you lose.

*MR. BROWN:* I said, "Don't cry." He said, "I just can't." He was so tender hearted and loved our clients. We won one of those cases. It was Tommy Day's case. It was on a Saturday morning on Ingleside Avenue, and T.D. hears a vehicle in his driveway. It was Mr. Roger; an elderly Black man who was our client. He had a big old hog in the back of his truck. He brought Wilcox a live hog as a gift. His wife Cindy just about passed out. Mr. Roger was so grateful he had to give him something, so he brought T.D. a live hog. I knew what to do with a live hog when I lived in Sol's Creek. We would kill him and put him in the meat box. I knew exactly how to do that, but you can't do that on Ingleside Avenue in Macon. Cindy was probably saying, "We can't take it," but T.D. was saying, "I can't tell this man I can't take this hog."

*PROFESSOR LONGAN:* That would be rude.

*MR. BROWN:* That would be the worst thing. It would hurt the man's feelings. T.D. called somebody he knew and they said, "Take this hog down to so-and-so and they'll slaughter him for you." So he gets in the truck with Mr. Roger and they drive the hog down to some slaughter place in Macon and they slaughtered the hog. I don't know whether he

ever gave me my portion of the hog, but that was a good ending to the case.

*PROFESSOR LONGAN:* Take it up with him the next time.

*MR. BROWN:* Those were fun cases, and those people were so appreciative. They were amazed that the law worked in their favor. They couldn't believe it.

*PROFESSOR LONGAN:* You can't blame them.

*MR. BROWN:* I got a verdict for a young Black man who was a barbecue cook at Satterfield's. He had his eye put out in a battery explosion. It was against the battery company that sponsors a lot of NASCAR. They prided themselves in never losing one of those cases, but I won that case in federal court in Atlanta and got a \$800,000 verdict for the loss of that one eye. Previously \$100,000 was about the biggest verdict for an eye. My client, Donnie Banks, said, "You mean \$800,000?" He could not believe that a jury would find for a barbecue cook in Macon, Georgia with a verdict of \$800,000. I said, "Donnie, it's going to be appealed now and you have to pay your lawyers something out of that, but yes, you're going to get a lot of money out of this. If it gets appealed by the time we get through with it, it will have a lot of interest at 11 percent back then." Those type cases were something beyond just winning a case. They were leveling the playing field.

*PROFESSOR LONGAN:* Let me ask about one more case you worked on with Hank O'Neal. Tell me the story of Reverend Malone.

*MR. BROWN:* Reverend Malone was a Black preacher in Macon and President of the Black Georgia Baptist association at one time.

*PROFESSOR LONGAN:* A very prominent man.

*MR. BROWN:* Yes, a very prominent, very dignified man. He was a retired chaplain from the Army, and very well educated. He had studied at Cornell and was an unusual man. He was instrumental in

breaking up the segregation hold on Macon. He pretty well led the assault on the bus system to break the custom of making Blacks ride on the back of the bus and he had something to do with the parks. He was a really active civil rights leader in Macon. He was well known, and at the time this happened, he was seventy years old. There was a Black lady who lived in a duplex very close to the Mercer campus on Dempsey Avenue. She was found dead and had been shot in the inside of her leg. She had walked around all over the house and had eventually bled to death. She had been shot with a shotgun. There was a shotgun in the house and additional shotgun shells. It turned out it was actually her shotgun. So the question was, what happened? Charlie Bishop used to be the Assistant Chief of Police and a County Commissioner and you see his name in the newspaper a good bit. Charlie was a long-time Macon policeman who started out as a Blue Coat. I knew him very well. He was just one really smart guy in getting to the bottom of things. He was very observant. Some neighbors told the police that they saw what they thought was a Dodge Valiant. If you remember those Dodge Valiants, they had a fin that looked like a little spaceship or something. They had seen a Dodge Valiant and had seen a man park it there but they really couldn't describe him. I don't know whether they had been partying or something, but they had a vague recollection of seeing the car and what they remembered the car had a broken taillight. That's about all the police had to go on. They found a pair of glasses laying under the head of the bed as if someone had laid down on the bed, took the glasses off, and put them under the bed. Helter Skelter and Leopold and Leob, the famous murder case in Chicago, were cases solved by glasses. Glasses can be a better identification than a fingerprint because you have an optometrist record. An optometrist keeps a very good record of your glasses and the frames you have. A lot of times you have one prescription in one eye and one prescription in the other eye. You may have bifocals, trifocals. There are little screws that go in them. There are a lot of things. For all those things to match up, it's unlikely that they're not your glasses if they pull your card and all this does match up. But you have to have a name. They're not on a computer anywhere, at least not then. Charlie, who was very observant and capable, was a detective in the Detective Bureau, and he's riding down Pio Nono Avenue and he's looking for a green Dodge Valiant, and he sees this green Dodge Valiant coming towards him. He looks in his rearview mirror, and it has a broken taillight. He turns around and followed the car, and it was Reverend

Malone. They showed pictures of him to the people who lived next door and they said, "That looks like him." The real evidence was that they said he wore glasses. They went around town with the glasses, and they got to Corley's Opticians and they said, "Yes, these are our glasses" and pulled out Reverend Malone's card.

*PROFESSOR LONGAN:* Those are his glasses.

*MR. BROWN:* Those are his glasses. It matches up. That all started to hit the newspaper because he was such a leading civil rights person in the community. It was big time news. It disturbed the African-American community because it was somebody they admired. I don't know whether they arrested him right then. They probably did. We had a coroner's inquest. Back then the coroner would hold inquests. Now they've just stopped doing that, which is a mistake. Jamael Corley—who was a good friend of mine—was in my Sunday School class. I went to church with him and knew him real well. He showed up to testify. At that time I didn't know him quite that well, but he got aggravated with me because I cross-examined him.

*PROFESSOR LONGAN:* You're representing Mr. Malone?

*MR. BROWN:* Hank and I were hired to represent Reverend Malone, and I took on the job of trying to deal with their experts. I was seeing if I could punch any kind of a hole in that identification, and I was not able to do it. It was funny because it made Jamael mad at me that the very idea that I would ask him all those questions. I told him later, "What did you want me to do? I had to find out. I mean you gave great testimony and I knew once I got through with you that those were his glasses." Jamael got really irritated with me because I questioned him in detail to be sure of this identification. But anyway, Reverend Malone was indicted. To begin with, we filed demurrers. They were trying to prosecute him for murder even though it looked like if you were trying to kill somebody, you wouldn't shoot them in the leg and then let them walk all over the house and bleed to death if you had more shotgun shells. That didn't make sense. Their theory was that if you were in the process of perpetrating a major felony, assault, that the jury could bootstrap into a felony murder, and we demurred to that. There was



some really serious question about whether that type of bootstrapping fit Georgia's felony murder rule. The case was delayed for probably a year while that issue went up to the Georgia Supreme Court. They must have sustained our demurrer. They wrote an opinion on it, but they clarified the law and that could be murder under those circumstances. It came back and we had to get ready for the murder trial.

There were a whole group of people who raised a defense fund for Reverend Malone. I reviewed some of those newspaper articles the other day. Somebody started a rumor that Hank and I were representing the American Civil Liberties Union, which would not be a popular crowd in Macon, Georgia. Nothing could have been further from the truth, but a lot of people had raised this money for us to defend him because it was a big time job. No telling how much time we put into it. It basically obliterated our other law practice while we were trying that case.

*PROFESSOR LONGAN:* It sounds like an uphill struggle.

*MR. BROWN:* It was an uphill struggle and it suppressed our other law practice. We were paid fairly well, but if you take on something like that, it just puts you out of business for a while. I primarily dealt with talking to Reverend Malone and going to see him in jail. His best friend was a Black minister, who I knew well. He was a wonderful guy. He was a client of ours, and he really worried about it. Everybody in the Black community loved Reverend Malone. There were a lot of rumors about him that he would sometimes drink a little bit and had crossed the line a little bit with some of the women. There were rumors that floated about him that he had those human weaknesses. But all that was going around and everybody chose sides in it. There were people who were really out to get Reverend Malone because he was a prominent person, I guess, or whatever. Reverend Malone kept saying, "I was never in that woman's house." He's long dead and gone now. The bridge near Mercer is named after him, the Malone Bridge. I told Hank, "We are going to lose this case."

*PROFESSOR LONGAN:* His glasses are there.

*MR. BROWN:* His glasses are there, and he's there. It's embarrassing that he was in that woman's house and laying in her bed. I

see why he doesn't want to say that but he's 70 years old. If he gets any sentence, it's a death sentence. He'll never see the light of day. A jury is not going to buy that. We have no way to refute this evidence. These are his glasses and he's the one who wore them and it's his car.

*PROFESSOR LONGAN:* With the broken taillight.

*MR. BROWN:* Yes. He's going to be put in that house. He's going to have to tell us the truth about what went on in that house. I talked to him several times and he said, "No, I was never in that woman's house." I told Hank, "We were getting close to the trial. We are going to get hammered. The man is going to get convicted of murder. Let's get our friend, Ellis Evans, the Pastor down here to talk to him." Ellis came to see us and we told him the problem. He said, "Yes, I see." I said, "You have to help us. He has to tell us what's going on in this case." We went to see him with Reverend Ellis Evans, who he trusted a lot, and who told him, "You have to tell us how you happened to be in that house," and he did. To this day, I don't know what exactly happened in that house because his version of it was she was walking home with a load of groceries, and he picked her up and took her home. He said, "I took her home and I was a little tired. I laid down for just a minute because I felt a little faint." I took my glasses off and they were missing, so I must have left them there. When I left, she was fine." I don't know if that was the whole truth and nothing but the truth, but that was his version of it and it put him there and we had a chance. The name Miller Hollingshed came up; this mystery person. He had been seen running one block over from that house. We had the witnesses who had seen him right after this happened.

We go over to try case, and I did the voir dire. It took me the biggest part of a day to voir dire the jurors. One question I asked every juror is, "Do you know Miller Hollingshed?" They would say, "No, I don't know Hollingshed."

*PROFESSOR LONGAN:* You were planting the seed.

*MR. BROWN:* I went all day long with that. There was an older grandmother type, gray-headed woman. I said, "Now, Mrs. whatever her name was, do you know who Miller Hollingshed is?" She said, "No I

don't, young man, but I sure would like to know who that guy is that you all have been talking about all morning." Everybody had a big laugh. I planted Miller Hollingshed into the case. We tried the case and that was the evidence that came out. We took the position that there was potentially somebody else involved, and if they believed somebody else was involved, that was reasonable doubt. During the trial a lady came and said, "Look, there's a kid who lives out in Unionville who actually saw a person running who had blood on him or something. We've heard about it through his mother or someone." We were right in the middle of the trial. She said, "This is his name and this is where he lives. We go and say, "Judge, this information has just come to us and we need to get this witness. We think we should send somebody in a position of authority so there will be no question that anybody briefed him on the way in or anything." You're gambling with this witness. The Judge "Who can find him?" We said, "Send W.O. Allen." His son is on the County Commission now, Joe Allen. When he shook hands with you, it was like shaking hands with a robot or something. He had the strongest hands. He had been on the Macon Police Department for 40 years and he was a D.A.'s investigator. He knew a lot about what went on, particularly in the Black community, and how to find people. Charles Weston was the prosecutor, and I said, "I trust W.O." We sent W.O., and he came back with him.

*PROFESSOR LONGAN:* Found him.

*MR. BROWN:* He came back with that kid. He was about 12 years old. I said, "Hank what are we going to do? We have to put him on the stand. You probably should be the one to talk to him. You're older and I think he would be more likely to be truthful with you." O'Neal puts him on the stand not knowing what he's going to say. That was tense.

*PROFESSOR LONGAN:* That's risky business.

*MR. BROWN:* That was risky business, but you had to do it. He testified right down the line with whatever we'd been told by whoever told us that. I'm just talking about a nice little kid with a nice smile and everything. He described seeing that guy running. We took the position that it was Miller Hollingshed.

*PROFESSOR LONGAN:* Who else could it be?

*MR. BROWN:* Who else could it be but the mystery Miller Hollingshed? By then of course, I had cross-examined the policeman who had escorted the medical examiner from the scene, and I knew him pretty well. I didn't want to embarrass him but it was crucial. This man's life was at risk. I made him fess up to the ruckus over the groceries being disturbed. He told me later, "Brown, that embarrassed the hell out of me. You asked me if I arrested the medical examiner." I said, "Well, you had him temporarily under arrest. You took him away from the premises because what he was making a sandwich out of the groceries that were there." Kind of humorous. I learned from O'Neal when you're in a serious murder case, if you can inject any humor, it helps. There's normally not anything funny about a dead body.

*PROFESSOR LONGAN:* No.

*MR. BROWN:* That injected a little humor and the jurors laughed about that. We argued in closing argument about why would anybody who wants to kill somebody, shoot them and have three additional shells, and then let them walk all over the house and bleed to death. That doesn't make any sense. I think they had a struggle over the gun and it went off. He thought she would be all right and didn't call for help. I think that's what happened. The prosecution saw their case evaporating and they started negotiating to plead to something less, and we said, "No, we're not doing that. He's too old." We talked to him, and he said, "I can't do anymore time in jail. If I have to do it, I'll just have to do it, but I want to see what the jury does." The morning before the trial started, we came in the front conference room and were sitting at the table. Reverend Malone was sitting at the top, and we were getting ready to go over to the courthouse. That's a tense time. I said, "Is there anything else we need to do before we go over there?" Reverend Malone stands up and said, "We should have a word of prayer before we go over to the courthouse." I said, "That's a good thing." Everybody bows their head and Reverend Malone put his hands on the table and prayed this magnificent prayer. Some people pray like they're talking to God, straight. My mother prayed that way. I thought she must know him by

his first name. He motivated us all. I felt like I could do anything after he got through praying that prayer. We try that case, and he turned down all the recommendations to plead to something less. The jury stayed out about 45 minutes. "We, the jury, find the Defendant not guilty."

*PROFESSOR LONGAN:* A two-word verdict. That's a good day.

*MR. BROWN:* He went right back to his church and went on with his ministry and lived probably close to age 80.

*PROFESSOR LONGAN:* That's quite a story.

*MR. BROWN:* That was an interesting trial. People have asked me what really happened, and to this day, I don't know. It's still a mystery to me.

*PROFESSOR LONGAN:* Maybe Miller Hollingshed did it.

*MR. BROWN:* Miller Hollingshed sure played a role. I don't know if he was a real person but we never could run him down. They couldn't find him. If they'd have found him, it might have been terrible. I put Reverend Malone on the stand. Normally you don't put a defendant in a case like that on. He said, "No, I want to testify. I want to talk to the jury." It was just one of those trials where everything went our way in a case that you thought you probably would not win but won. It was a great case.

*PROFESSOR LONGAN:* Let's talk about some cases that came along after Mr. O'Neal had died.

*MR. BROWN:* Let's talk about Hank and the dog, "Big Time," I put into evidence. It was a murder case and he was a witness. He had his picture in the Atlanta paper. It's very interesting.

*PROFESSOR LONGAN:* Nobody could forget that.

**June 23, 2016**

*PROFESSOR LONGAN:* Well Manley, good morning. Thank you for coming back for more.

*MR. BROWN:* I am happy to be back.

*PROFESSOR LONGAN:* We have to pick up where we left off because you left us with a cliffhanger. You wanted to tell us the story about the time you and Hank O'Neal put a dog into evidence.

*MR. BROWN:* All right. His name was "Big Time," and his owner was a man named Haywood Maddox. I handled quite a few murder cases when I was a young lawyer. Bob Slocumb and I used to try a lot of appointed murder cases. In those days, you got \$150 for handling a murder case. You got zero for handling a normal appointed criminal case.

But at any rate, Haywood Maddox was one of the first cases where I actually was hired on a compensated basis. He owned a grocery store and Big Time, which was this little mutt dog of unknown pedigree, stayed with him in his grocery store.

Haywood was a middle-aged Black man. He had a lively personality and was very likeable, but he probably was more likeable when dealing with white people in the community. He had a reputation for being hard on his own race. That was what people said about him. In my dealing with him, he was affable and presented well because of his personality and the way he seemed to relate to people.

Haywood was charged with killing a man in East Macon; shooting him with a .22 rifle. He had gone to a house where there probably was some alcohol being consumed, and everybody was having a good time. There may have been some card playing or that type thing. Some sort of a disturbance arose between him and the man he shot. I don't remember the man's name, but his nickname was "Chicken." Anyway, Haywood and Chicken had a disagreement. At some point, Haywood left and in thirty minutes or so, he returned with a weapon. Chicken exited the house, and they resumed a verbal exchange and wound up being fairly close to each other. Haywood shot and killed Chicken.

An interesting thing that happened in that case is Chicken was still alive at the scene and was driven to the emergency room by somebody who was under the influence and also had never driven a car. That was the case I was given to defend, and Hank O'Neal said, "I'll help you some with these cases, but this is your case, and I want you to be responsible for doing it."

Haywood said, "Look, I went back to my car. I was going to go home, but I had left my dog in the car. It was hot, and I left the window rolled down. When I got back, Big Time was gone. I needed to go looking for him and I was concerned that if I did, I would meet Chicken, who had a reputation for using knives on people. I was fearful, so I took my rifle that was in the car with me." That didn't fully explain why he went directly back to that house, but at any rate, he said, "I'm looking for my dog because my dog means everything to me." The evidence from the people who would visit his grocery store was that Big Time was really treated like a valuable member of the family on a very high level. About the only thing he ever fed Big Time was Kentucky Fried Chicken. We actually had a witness who would hang out at the grocery store who said, "I hang out at the store, and Haywood normally sends me to get Big Time's chicken." So this dog was addicted to Kentucky Fried Chicken, which was all interesting. I said, "We have a chance to win this case because it gave him a reason for arming himself when he came back."

In addition to that, this gives me a chance to talk about my favorite client of all time. There was a woman named Willie Bell Little. She lived in East Macon, and she tended to get in some trouble from time to time. She was a wonderful person and had the most delightful personality of anybody you ever wanted to meet in your lifetime. She had a big broad smile and was just wonderful to be around. I handled a series of cases for her that were made by the City on shot houses where people would sell somebody a drink out of a bottle of whiskey that you bought at the package store. I figured out a way to get those cases dismissed.

There was a problem with the way they were making those cases, and I came up with a solution. It was something I learned as a Federal prosecutor. I don't know how ethical this was but I had a deal with the Assistant D.A. Tommy Mann—he is deceased now—who was handling those cases. Tommy said, "Don't file that motion. We have hundreds of these cases. I'll just dismiss all of your cases. You get the case, you come

tell me, and I'll dismiss the case." I had exonerated Willie Bell in a number of those cases. She thought I was a miracle worker of some kind.

*PROFESSOR LONGAN:* I can see why.

*MR. BROWN:* I thought, "Willie Bell lives close to where this incident happened." I called her on the phone and said, "Willie Bell, I have this case for Haywood Maddox and, I wondered, do you live nearby?" She said, "Oh, Lawyer Brown"—she always called me Lawyer Brown—"I know all about that case. I saw it." It turns out she actually lived in a house next door to the house where the shooting took place. She said, "I heard the ruckus and I looked out the window. The window was up, so I saw and heard everything that went on." She had some very interesting testimony, including hearing somebody say that "Chicken" had actually stabbed Haywood. They thought Haywood was the one who was killed because Chicken had such a bad reputation for using knives on people. That was the context in which the case went to trial.

Now, we actually got the dog, and Hank had some beagles so he took Big Time to his house and kept him, fed him, and looked after him for about six months. Hank said, "We should put that dog in evidence." I said, "We're going to put a live animal in?" He said, "Yes, we're going to put this dog in evidence because, if you don't, they are going to claim that the dog doesn't exist and the D.A. is going to say, 'Well, this dog is fictitious. Where is the dog?'" This is actually what would have happened. Hank said, "We'll put this dog in evidence, and I will keep him at my house so we will have him available."

To make a long story short, I tried the case. At the last minute we had to move the trial into Judge Phillips's State Court Courtroom instead of the Superior Court Courtroom. Judge Phillips had a brand new courtroom. The elder Judge Culpepper was trying that case. We were going to be sitting in Judge Phillips's new courtroom, which he was really proud of and probably would not want a dog walking around in it. At the last minute, I get the news that the dog has contracted some kind of dysentery and was having a problem. I said, "Lord, I can't take that dog in there and that dog mess up Judge Phillips's courtroom." Hank said, "Look, I'll be responsible for dealing with Judge Phillips. You just put the dog into evidence." I said, "Okay, if you take that responsibility." We made the dog a collar and put on it "Defendant's Exhibit Number 1."



This was before the day of political correctness, and we had this one secretary who tended to wear mini skirts. Back then, you usually had an all male jury, and it turned out that we did have an all male jury. We decided that we would have this secretary bring the dog to the courthouse and have the dog outside the courtroom. Then when I got ready for the dog, I would tell the bailiff to call in the hall for Defendant's Exhibit Number 1.

It turns out, Bernice was afraid of the dog. Hardy Gregory was my partner at that time and he was later on the Georgia Supreme Court. He was a very fine lawyer and a very fine person. Hardy took charge of the dog and brought the dog to the courthouse because, although the dog was perfectly harmless, she was afraid to bring the dog. At the appropriate time, I called in the hall for Defendant's Exhibit Number 1. Bernice brings the dog in on the leash.

Of course, everybody thought we were going to turn the dog loose, and he would run to his master. Unfortunately, O'Neal had treated the dog so well that he loved O'Neal by then. The dog had forgotten about Haywood. I had been forewarned, "Don't let that happen because he loves me and he'll run jump right up in my lap if you turn him loose because I've been looking after him very well."

We brought the dog in the courtroom, and I put up this witness who normally was a friend of Haywood's and stayed around his store a good bit and would actually go get the Kentucky Fried Chicken. I called him to the stand, and he testified about Haywood and about the dog and what the dog ate and how much Haywood thought of the dog. It authenticated the dog, and after I finished the examination, I said to Judge Culpepper, "Judge, we've identified Defendant's Exhibit Number 1, this dog, and I'm tendering the dog into evidence."

In State Court, you give the exhibits to the court reporter. In Federal Court, you give the exhibits to the clerk, but Ms. Rainey, who was a long-time wonderful lady, was the court reporter, and she looked and kept eyeing that dog. I said, "I'm tendering this dog into evidence, and I'm handing it to Ms. Rainey, the court reporter." The judge looked at me—he had a good sense of humor—but he never smiled while that dog was in the courtroom. I don't know if I unnerved him or something, but he said, "I'll tell you what, Mr. Brown, I'm ruling that dog out of evidence and out of the Courthouse, so take the dog out of the

Courthouse.” I said, “I just want to perfect the record that we’ve tendered him because he is an exhibit in this case.” His ruling was, “Well, they’ve seen the dog.”

It was one of those things that could backfire or really work very well, but I could see it worked. They really got a kick out of seeing that little dog and listening to this testimony about the Kentucky Fried Chicken. But the star witness turned out to be my wonderful friend, Willie Bell Little. I really loved her, and I think she loved me! When she died, I sent a huge thing of roses to her funeral. I actually turned her over to my son Philip, later, to deal with the kind of little legal things that she and her husband had from time to time.

She came to the office one time, and one of the secretaries said, “Willie Bell Little is out here and she wants to see you.” She really came to see my son, Philip. She had this big smile, and she was kind of overweight. At that time, I had taken a bunch of steroids for my back, and I had gained about twenty pounds. I go out into the hall and all the secretaries are standing around. I thought, “Is this a set up of some kind?” Willie Bell saw me and said, “Whoeee”—she would always say “Whoeee.” She said, “Whoeee Lawyer Brown, you is so fat,” which they all had a good laugh at my expense. She was really the best witness. The dog helped. If you can have anything that’s entertaining in a murder case, if you’re defending one of them, there’s nothing really funny about a dead body. If you have a little humor, it always helps in defending those type cases.

*PROFESSOR LONGAN:* Don’t leave us hanging, what was the verdict?

*MR. BROWN:* The jury acquitted him in about fifteen minutes. They acquitted Haywood, and I don’t know whatever happened to him. I mean he went on his way. I don’t know what the court reporter would have done with the dog if the judge had told her to take it into her custody as an exhibit, but it could have backfired. But, Big Time got his picture in the *Atlanta Constitution*.

*PROFESSOR LONGAN:* There you go. I’m not real sure how to make this transition, because it’s a big transition from putting a dog into evidence to arguing before the United States Supreme Court, but you

did have one case that you argued before the Supreme Court. I was wondering if you could tell us about that.

*MR. BROWN:* The name of that case is *Webb versus Webb*, and it involved a conflict between child custody orders. Georgia had a child custody order that awarded the custody of this little boy to his father while the child was in Florida. The mother secured a judgment ruling in Florida that she was to have custody. You had conflicting child custody orders between Florida and Georgia, and that was the issue. The case went up to the Supreme Court on certiorari.

I was not initially involved in those cases, but after certiorari was granted and the Supreme Court was going to hear the case, the lawyer really panicked, "Look, I can't argue a case in the United States Supreme Court. I don't want to do that." I said, "Are you sure you don't want to argue this case?" He said, "I don't want anything to do with the Supreme Court. I'm happy for you to have it." I think they called Judge Bootle and they asked, "Who could we appoint to do this case?" I think he probably said, "Get Manley Brown to do it."

So anyway, I was appointed to handle that case and to brief it. John Cole, who is on the Mercer Law school faculty helped me brief the Conflict of Laws issues. It involved the issue of the Full Faith and Credit Clause which was basically a Conflict of Law issue. John helped me with writing the brief, and Martha Christian, who was later Judge Christian, also helped with the brief.

*PROFESSOR LONGAN:* What was it like to stand before the United States Supreme Court and argue your case?

*MR. BROWN:* It's a fascinating thing. They let you bring your family, and they treat you very well. Except for the stress, it's easier to make the argument than it is to get there. They issue you a certain number of passes. I was able to take my wife, two of my children, and my secretary with me. I arranged for Martha Christian, who helped me with it, to be admitted to the Supreme Court so she could actually sit with me during the argument. The bench that the Court sits on is from the front, a pyramid shape, so you're closer to the Chief Justice and everybody else sits slightly back. You stand very close to the Chief Justice. I could see the pores in Justice Burger's skin on his face. In other

words, you are nose to nose with the Chief Justice. They actually keep a doctor at oral arguments because people sometimes faint and have heart attacks. One of the Attorney Generals once fainted and fell. You step up on a little riser when you start speaking to the Court, and he actually fell off in his morning coat onto the floor, hyperventilating.

*PROFESSOR LONGAN:* But you managed to get through the argument without falling down?

*MR. BROWN:* I enjoyed it. I had argued probably fifteen cases before the Fifth Circuit Court of Appeals, including arguing an en banc case with fifteen judges, and that helped me. You stand in the middle and you have fifteen Federal judges surrounding you. That was more intimidating than actually arguing the case before the Supreme Court. You're only nervous when you haven't studied very well and don't know a lot about the case. I had worked diligently and had the National Conference of Uniform State Law Commissioners file an amicus brief on my side. The National Organization for Women "NOW" filed a brief on the other side. The case had been briefed fully, and I felt comfortable making the argument. You're obviously keyed up. You don't really do a good job if you don't have a lot of adrenaline flowing.

*PROFESSOR LONGAN:* Do you remember any of the questioning?

*MR. BROWN:* Yes. The Justice who questioned me the most was Justice Marshall. I don't think he had studied the case very much. He was asking me questions that were really pretty obvious. Justice White started asking me all these questions about why I had raised a question that had not been raised before I got in the case, and whether the question had been preserved properly to come before the Supreme Court. It really had not. You could see from the record that even in the motion for rehearing in the Georgia Supreme Court, they still didn't raise the issue. They raised it in the certiorari petition. What I wanted to tell the Justice was, "You all need to read the record. If you read the record, you could see." He was kind of fussing at me for not raising it earlier. Of course, I hadn't been on the case earlier.

Finally, one of the other Justices said, "Let's talk about something else because this lawyer was appointed in this case." But other than that, Justice Burger asked me a few questions, and he was real interested in the record. He wanted me to outline in the record again why this issue was not properly raised. The lawyers on the other side got several questions. They asked them a lot of questions about why they didn't raise the issue properly. One of the lawyers made a fundamental mistake of saying, "Judge, there are a lot of cases that hold this is okay." The court said, "Okay, name one of them for us." They couldn't do it.

*PROFESSOR LONGAN:* Ouch.

*MR. BROWN:* If you argue a case in the United States Supreme Court, it's recorded and put in the Library of Congress. Now there is something called the O-Y-E-Z project. They are putting online all of the arguments coming forward. Eventually, they will have all the Supreme Court arguments online and can be listened to. You can hear my argument by simply going to [Oyezproject.com](http://Oyezproject.com), put in my name, Manley Brown, *Webb v. Webb*, and you can hear the petitioner's arguments and the argument I made.

*PROFESSOR LONGAN:* How did you do in the end?

*MR. BROWN:* I won eight to one. Marshall dissented. I don't think he ever fully understood the case, but I thought it was pretty clear. I remember Judge Bootle said, "I hate I got you appointed on a case that you can't win." I said, "Judge, I won." He said, "You won that case?" I said, "Yes, but on something that wasn't even in the lower court record."

Justice Burger was always complaining that lawyers didn't conduct themselves like lawyers. They didn't really engage in adequate lawyering. I said, "This is a lawyering case, Your Honor. It's not a big Constitutional case. We briefed all these esoteric questions, but it's really a lawyer's case having to do with procedure and how you get here properly and this case is not here properly." He was very interested in that. I said, "We laid that out in our brief, and it's clear. This issue was never mentioned until they filed their petition for certiorari, and based on what this Court said in the past, this case is not properly here." That's how the case was decided. It was a wonderful experience, but totally unproductive. They

pay you something for taking the case, and then pay your expenses. The Court personnel said, “We are so glad to hear somebody with a Southern accent up here. We have to listen to all these people from New York and the way they talk.” They really liked the way I talked. I don’t know exactly why.

*PROFESSOR LONGAN:* I don’t hear an accent Manley, do you?

*MR. BROWN:* They said, “We don’t hear people like you very often in this Court.” But it was a wonderful experience. My kids enjoyed it. We went up two days early because I had to meet with these various amicus groups, so my wife took them to the White House and all the usual things you go to in Washington. They had a nice little vacation while I worked. We had a good trip. It was a wonderful experience because it’s really hard to ever have an opportunity to do that. I was happy to do it.

*PROFESSOR LONGAN:* There are a number of cases and kinds of cases you have handled in your career. I want to turn your attention to one that you and I have described as the Armstrong cases. I want you to give us a little background and context for it. I want to ask now because it was during this case that Hank O’Neal died. That’s a watershed moment in your career when Hank died. Then I’m going to ask you about Hank’s death and what that did to your practice and to you personally.

*MR. BROWN:* That case grew out of an explosion at Armstrong World Industries on Mead Road in Macon in late 1981 or early 1982. It was a dust explosion in the make down room where they made acoustical tile. There was an explosion with fire, and it killed three men who were working in that building trying to repair this huge valve that had a lot of this dust accumulated in it. One of those men was related to somebody I had taught in Law School—a young man named Richard Nettum—from down in Americus. That’s how I got in those cases. The general thinking was that this was just a Workers’ Compensation case. One of the lawyers who was involved said, “Brown, you are wasting your time with this case because this is a Workers’ Compensation case.” But you have to look where you have a Workers’ Compensation injury and

see if there is some third-party liability. That's what Hank and I decided to do.

*PROFESSOR LONGAN:* By somebody other than the employer?

*MR. BROWN:* Yes. You have to look for somebody other than the employer. Hank and I did a lot of that work. The thing that deters lawyers is you have to spend a lot of money and a lot of time trying to see if you have a case. If you don't have a case, you're out of luck. You have lost all your time and money. You have to be a bit of a gambler to do that.

This was before the day of the computer, so you couldn't look online and get a lot of information. It took well over a year just to get the records that we needed to start taking depositions. We were suspicious of the room that was in this building. The make down room had been built by a corporation in Delaware. We thought they had not built it in conformity with the National Fire Protection Association's regulations to prevent this type of explosion. We didn't know anything about dust explosions, so we finally decided to find somebody who knew about dust explosions and could teach us about it. A friend of ours at Georgia Tech, John Brown, was a scientist there and did a lot of work for us. I also found a professor expert in Kansas, because that's where all the dust explosions are.

*PROFESSOR LONGAN:* That makes sense.

*MR. BROWN:* Legal research online was just starting. One of Hank's former students was working for the Harrison Company or some company. He called and said, "Let me give you a demonstration on how to search cases." I said, "Let's have him come down and we'll ask him to search for dust explosion cases." Heretofore, that process didn't exist in the law practice. He brought all of his various apparatuses to our firm. We said, "We're working on a dust explosion case, so check on that." Sure enough, he printed out five or six cases. One of them had one of the defendants we actually focused on. It was a real insight to get those cases. That led us to getting this professor at Kansas State University. He said, "I can't testify for you because of some of my contacts, but I'll teach you about these cases." He actually came to Georgia Tech, and we went

up there and studied dust explosions. We had a classroom and spent a couple of days. The professor from Kansas State taught John Brown, me, and Hank, and there might have been somebody else. That's how we started on that case. We were almost to the point where we could leave on a long trip to Pennsylvania and Delaware to take a lot of depositions, particularly of this company that built this make down room and see whether they complied with safety standards.

As it turns out, we found that there was a resistance heater on the wall that had an 1800 degree surface temperature, which should not have been in the room. Obviously, what happened is when they stirred the dust up, it hit that heater and caused a flash and blew up.

We were ready to go on that trip. I realized Hank had been not been well for a while, but he was insistent on going on the trip. I was prepared to take the depositions and had all of our records organized. Hank wanted to go and I thought, "I can't take him. I'm afraid something will happen to him while we're gone." I was able to talk him out of it—with the assistance of his wife and his sisters—that he could not make a trip to Pennsylvania, plus, I needed to go on to Connecticut. We were involved in that bridge collapse case up there where some people from Warner Robins fell into the river. The bridge that collapsed on I-95 and fell into the Mianus River. It was not the kind of trip that Hank could make. I could tell he was very ill. I was gone a little over two weeks, came back, and he lived about three or four days after I came back to Macon.

Hank declined any sort of chemotherapy for his lung cancer. He had smoked three or four packs of cigarettes every day since he was seventeen. He loved cigarettes. He said, "I can do anything to change my lifestyle but I can't quit smoking, and will not try. I'm addicted to the point I can't quit." That probably was what precipitated his premature death at age 57.

He and I were the closest professional and personal friends. It was like a family blood relationship. I loved Hank O'Neal, and I think Hank O'Neal loved me. I was the one lawyer who stuck with him. People would start to work with him, but for some reason, they didn't stay with him. I got along with Hank very well. He trusted me to do the things in the courtroom he wanted me to do—stand up lawyering. He said, "You have done a lot of that, and I want you to do that. You can do it." I wanted to learn everything I could from him, but I really cared about Hank genuinely on a personal basis, so it was a tragedy. I got back in



time to be with him before he passed away. He said, "I'm just going to stay in the hospital because I'm not going to live but two or three weeks." He let all the young lawyers who he had taught and his friends come to the hospital. He had a talk with them. I see some of those lawyers occasionally, and they remind me about how they would go up there. He was terminally ill, but he wanted them to come. They went to the hospital and he would talk with them about their career and things that they could do. He encouraged them.

*PROFESSOR LONGAN:* I have never heard that story.

*MR. BROWN:* It was a real touching thing. Not many people would do that. He was not afraid of dying. Hank was very deeply religious. People didn't realize his feelings. He was a deeply and spiritually well-versed person and a Fundamentalist Baptist, just like I am. He said, "I was afraid of getting killed when I was a gunner's mate in the South Pacific. I really am not afraid of that now. I know I'm going to die. I don't want to have a lot of chemotherapy or things that disable me. It's not worth it. I'm not going to do that." He spent his last days seeing a lot of his friends. We actually found one of his best friends from the ship he had served on. He had not seen Hank since they got out of the Navy in 1945. He lived out in California and came to Macon. It was a surprise to Hank, and he spent a day or two visiting with Hank.

The way Hank passed away was a sad thing, but it wasn't "Woe is me. I'm going to die, and I'm 57 years old. I'm too young to be dying." He just said, "I am dying and that's what I want to do to deal with it." We had one case we had started working on, and another case that we had taken while he was in the hospital. He actually drew a complaint for us. He told Lamar, "Come up here and get this. I've done it now." He actually drafted a lawsuit while he was in the hospital under that terminal cancer sentence, so-to-speak. He was just a tough Irishman, a tough guy, a great lawyer, and a great mentor. I got more from Hank than anybody else who worked with him because I had fifteen years that we practiced law together.

*PROFESSOR LONGAN:* How did the sense of your role in the firm change when he died?

*MR. BROWN:* It was stressful for me because I realized a law practice is a business. It's one thing to know how to handle cases and everything, but you have to make a payroll and make money to pay your staff and look after your practice and make money for yourself. Lamar Sizemore and I had young families. I realized, "I have to take this responsibility." I knew for several years that Hank's health was failing. What I set out to do from an entrepreneurial standpoint is—I knew from having been in the U.S. Attorney's office that I was acquainted with lawyers all over the Middle District of Georgia, which is seventy counties. Even as a young lawyer, when we would go to court, I would make it my business to find out who the Mercer lawyers were. This is, again, Mercer.

It turned out to be a really good thing, because they all were cordial and they wanted to help you. It was interesting to know them. By the time Hank passed away, I was an experienced lawyer. I had probably tried over a hundred jury trials by then, so I knew how to practice law. The problem is, you have to be able to get the business. I had developed a referral business. Most of my cases in my lifetime were cases I did for other lawyers. I was eventually inducted into the American College of Trial Lawyers and the International Academy of Trial Lawyers when I was in my forties. There was no advertising, and you didn't look on a computer to find a lawyer. People looked at law lists to see if you had certain credentials and were on certain law lists, like I had taught at the Law school and had been a Bar examiner. It helped a lot. Almost no plaintiff's attorneys in South Georgia were in the American College or the International Academy.

I began to originate out of town cases mainly. I have a lot of cases where things happened on the Interstate or things happened in Georgia that needed a lawyer when they looked for somebody. I graded out real well on those law lists. I was getting cases from Quebec, Canada, New York, California, all kind of places. It turned out to be a really good thing. Also, I had taught so many students that it ended up I did a lot of cases over the years with my students. They would have cases, and I helped them. That turned out to be a real important part of my career. I never realized that when I started teaching. It wasn't a lot of students, only some of them, like David Rainwater. David was one of my first students. David and I probably did twenty cases together. I liked to work with him because he was smart, energetic, and wanted to win. We had a lot of success with some very substantial cases.

The dust explosion case Hank and I were working on when he died ended well and helped Lamar and me jump start our professional life without him—our hunch about that case turned out to be true.

*PROFESSOR LONGAN:* Let me ask you just one last thing about Hank. He has been gone over thirty years, but the name of your law firm is still O'Neal Brown.

*MR. BROWN:* Yes. I kept that name. I wanted to keep it as long as I owned the law firm. My son has the ownership now. I don't have any ownership in O'Neal Brown. I am strictly Of Counsel. I have my own private practice, Manley F. Brown, Attorney at Law, which I like, but I'm Of Counsel with the law firm. One reason I do that is just really out of a respect for Hank. Not many people remember Hank, but that's basically why we did that.

One thing Hank and I did that I still do and have the rest of the people in the law firm cooperate. When he came to work every morning, he would turn the light on in our front conference room. Every morning when I come to work, I turn that light on because of him. I think of him every morning. He thought the room didn't look right without that light on. We have a new staff that come in early in the morning. I asked Julie, "How about asking them to turn that light on. I'm not here every day but that's an emotional thing with me. That was O'Neal's light, and I always turn it on."

*PROFESSOR LONGAN:* Let me start by asking you about a case that we actually have the front page of from *The Macon Telegraph* reporting on your big verdict in the *Stewart v. Bibb Distributing* case. That was important enough in 1997 to make the front page, so tell us about that case. I am obviously interested in the stories themselves, but if you can take what happened and your experience and relate it in such a way so the law students and the young lawyers who will be watching this can take from it a lesson or two that you learned along the way.

*MR. BROWN:* The way I became involved in that case was through Frank C. Jones, who was a great Mercer lawyer and who passed away a few years ago in 2012. Frank called and came to see me. He said, "I have something I want to talk to you about. I want your help with a

case.” It started out as a fight over a \$6 million insurance policy that insured his client. It was a fight between the insured and his business, which, at that time, was being operated by his son, who was the primary stockholder. There may have been somebody else who owned some stock in it, but it was over who was to pay the premium. The agreement was that the premiums were to be paid so that the heirs of the owner, Mr. Stewart, would have the \$6 million insurance policy because the older son had gotten the business—a Budweiser distributorship, which is pretty valuable to say the least.

Frank Jones was one of the senior partners, or at the top of King & Spalding in Atlanta. Frank, a young lawyer named Bob Ambler from K&S, me, and my younger partner, Chris Clark, handled that case. Chris was a brand new lawyer, and he was broken in on courtroom activity in that case. He played some material roles. I insisted on him taking substantial responsibility in that case. He did and handled it very well. That’s how you mature as a lawyer. It’s like learning to play basketball or baseball; you have to get off the bench.

Chris and I are plaintiff oriented, so when we began the discovery process, we began to morph the case into more of a plaintiff-type deal. It still involved all the ins and outs of how to enforce this agreement to keep the policy funded and not let it lapse, which was about to happen. We began to see that there was something not quite right about what had been going on. We began to think that in addition to the policy, there were some tort-like claims. It was a money tracing thing to see what had happened to various funds. It turned out there was an insurance policy that no one knew about. We developed evidence that we entered at trial that the policy had a signature that was not the signature of the insured, which was a real serious claim. There were lots of lawyers involved big law firm in Atlanta, and two huge law firms on the other side of the case, because it involved a lot of money and a lot of serious issues.

The case was the longest one I was ever involved in. The trial lasted twenty-one or twenty-three days. I formed a habit many years ago of keeping a little chart of when we actually started the run up to the trial and when we started working on the case. It’s like getting ready to launch an invasion.

*PROFESSOR LONGAN:* You gear up.

# The Macon Telegraph

WEDNESDAY

## Jury awards more than \$15 million in Bibb Distributing Co. family feud

By Mike Phillips

A Bibb County Superior Court civil jury today awarded more than \$15 million to the family of a deceased man in a bitter feud with his father and a family trust.

The award is the largest ever in Bibb County, the plaintiff's attorney said, surpassing the previous record of \$5 million awarded in a similar case.

"We got everything we asked for," said

Monday. Reversal of 1974. Reversal and Stowers. I asked for \$10 million to \$15 million in punitive damages, and they gave us \$22.5 million.

Stowers' attorney, Jay Blodgett, said the award is "a vindication of the law and the facts."

"We think the verdict was contrary to the law and the facts," Stowers said. "We think that smaller the original amount, the more everything it was supposed to be."

The case, which began in 1974, involved an accounting franchise, and the cells were

not returned Tuesday night.

Founded by the late Stowers in 1956, Bibb Distributing in Middle Georgia's largest beer distributor, selling about 2.5 million cases per year of Anheuser-Busch, Co. in 15 counties.

Stowers, who died in 1974, controlled his way up through the business and was named president in 1964.

The dispute centered on an agreement made in 1968, when Wm. Stowers founded the Bibb Distributing Co. to sell soft

Photos from AP/Wide World

*MR. BROWN:* We worked thirty-eight or thirty-nine straight days, including weekends, from the time we started the run up until the jury verdict came in. We would have hearings on weekends. Judge Brown presided over the case and would come downtown sometimes on a Saturday if we had to have a hearing or something, would come to our office. All the lawyers would come, and he would hear whatever needed to be heard and make whatever decisions were needed. It was like fighting a war almost 24/7. People were working and not getting a lot of rest. We started out with thousands of exhibits, and the K&S people rented a computer. We put all those exhibits on a computer so we could keep up with them. We put in over a thousand exhibits, and the other side put in roughly a thousand, so it was a man-size case by anybody's estimation. We had an interesting jury in the case. We had a typical Bibb County case: some women, some men, some Black, some White. It was a pretty diverse jury, and they were totally interested in that case. You could see it from the very beginning. It's like a marathon.

We were using the Hank O'Neal trial book method, which I have taught at Mercer for forty-four years. We prepared our case that way. We started early putting it together, and we had it prepared from beginning to end with precisely what we were going to do. I think our opposition probably had not done that, because after about ten days, you could see we were making some progress. Militarily speaking, our supply train was longer than theirs and better organized. For instance, we used an overhead projector for our exhibits one by one. They had some modern machine that kept breaking down, and they were having to borrow our equipment in the presence of the jury. You don't want to do that type thing. An overhead projector never fails as long as you bring an extra bulb, which we would always take with us. You don't want to have something that doesn't work. They used something called an ELMO. They may have perfected that by now, but it didn't work very well then. It would cut off part of the exhibit. They had constant problems with it, and that was a bit of an edge, but we were better prepared.

Mr. Jones dealt with a lot of the insurance part. Chris and I dealt primarily with the fraud and damage part of it. Our primary role in the case was to handle the punitive damages. Then Frank and I did the speaking that was addressed to the jury. Frank made an opening, concluding argument, and I made the final summation. We actually had to have three verdicts. You had to have the first verdict to see if they were going to award actual and punitive damages. Then you had to have the

next verdict to see how much punitive damages. Then you had to have a third verdict to see which side got a verdict for their attorney's fees. You had a lot of checking boxes on the verdict form. You had to be real careful with the jury. One thing I used in the argument was a jury verdict form we made up and handed out copies. I could tell I was making progress, because when the lawyer on the other side was talking, they were checking. He was saying you should check this, this, and this," and everybody was saying, "Look, they're checking." I said, "I'll deal with that. Let's see what happens."

When I started arguing the case to the jury, I said, "Let me make sure you understand this. Let's talk about this verdict form now. If you want us to win, you have to check this," and they all started erasing and checking the boxes. I thought, "This is going to be good." At any rate, we got a huge verdict. We put in so many exhibits, I actually ran back to the office for something because I figured if we got a really good verdict, they will deliberate a long time.

I wasn't gone forty-five minutes before they called and said, "Brown, get back over here. The jury has got a verdict." I thought, "I don't think they'll rule against us because we nailed them too much on this forged signature, and the trial just went too good." I got back and the foreman of the jury was somebody I knew something about. He occasionally delivered at our office. He didn't make that quite clear when they were doing the voir dire, so I told our team, "He wasn't really quite clear, so I'm going to straighten that out." I asked him, "Don't you deliver water to our firm?" He said, "Yes, I bring water to you." The lawyer on the other side thought I was trying to trick him into striking him, so he put him on the jury, and he was the foreman of the jury.

He came out and read the verdict. The verdict was three pages long. We had to pierce the corporate veil so that the corporation was responsible for this. That was a tricky thing. I went back and revised our pleadings and incorporated that into all of our contentions and made sure they were properly outlined. We were successful with that. This was in the day of joint and several liability before the new tort reform. As this juror foreman read it, he said, "We, the jury, find for the Plaintiff." He was supposed to say, "Find for the Plaintiff jointly and severally," but every time he would read it, he said, "We, the jury, find for the Plaintiff jointly and SEVERELY." It was a Freudian slip but boy, it was "severe." We decided not to ask for some huge amount of punitive damages that would cause us to get reversed because there had never been a large

punitive damage verdict affirmed in Georgia at that time. We decided to ask for something substantial, but \$25 or \$50 million would cause the court to want to turn this thing around because all those big punitive damage verdicts at that time in Georgia had gotten reversed. When they put the punitive damages down, I gave them two figures, between this and this, and they put it right in the middle. Our damages were about \$15 million plus we got a \$6 million insurance policy on top of that. That was the largest verdict ever in Bibb County and still is. The second biggest verdict was one we had in another case, a medical malpractice case, which was \$5 million.

*PROFESSOR LONGAN:* There had been larger punitive damage verdicts.

*MR. BROWN:* There had been larger punitive damage verdicts, but they always reversed the cases. I think they would have given more punitive damages, but there has to be some reasonable ratio, because our actual damages were only like \$200,000. There has to be something you can halfway defend. The U.S. Supreme Court has engaged in that ratio calculation since then. That's what they have looked at. Otherwise, you would end up in the U.S. Supreme Court. I had an old lawyer, Judge Hemingway, who I worked with, tell me one time, "Manley, remember there's something for the bears, something for the bulls, and nothing for the hogs," and there's something to that.

*PROFESSOR LONGAN:* Yes.

*MR. BROWN:* You have some strategy that makes sense. I think our strategy in that case was correct. Everybody was totally exhausted. I'm the only one who went back to the office. Frank Jones was older than me, but in my crowd everybody had to take a little time off because everybody had been working really hard. We upheld that verdict all the way through the appellate courts.

*PROFESSOR LONGAN:* There's some good lessons there. I want to talk about another lesson in a different case referred to as the Baby Sanders case. I want you to tell that story. I'm interested in making



sure you share with anybody what this has to do with a particular use of documents at a trial.

*MR. BROWN:* Baby Sanders was a young Black child from down in Montezuma. His mother was named Eunice. A Mercer student I taught was a friend of mine in Warner Robins, Ken Lucas. This was his case, and he asked me to help him. It was actually in Columbus, and at that time, I don't think there had been a medical malpractice verdict against a bona fide doctor in Columbus. They were hard to get against somebody who was a mainstream physician. This was against a big group of anesthesiologists who were prominent in the community. I started calling it the Baby Sanders case because he was just a little Black kid who was having this operation. He had a cyst of some type that caused him to collect water on his brain when he was born. They had to put a shunt in it while he was on the operating table, and when they finished the operation, he was dead. They revived him, but of all the people in the operating room, nobody knew what happened, which defied belief. You couldn't believe that, but it was typical. It's like people close ranks, whether doctors, lawyers, law professors, whatever, people tend to sometimes close ranks so there's silence. That's what we were faced with in that case. We tried to put the case together. We had some good experts who said, "That can't happen. Somebody is asleep at the wheel who lets a child on the operating table die. There's negligence and a problem here."

During discovery, we had the anesthesia group produce all of their procedures. You have private anesthesia groups who actually act as the anesthesia department at the hospital. That's the way it works. The same thing is true in Macon. They had all these policies that were official policies. We were getting pretty close to the trial, and I had a secretary who worked for me for twenty years, Diane Moore, before she left to get married. I said, "Somebody needs to read through this. Let's you and I sit down in the conference room and read through these policies." She was interested in what was going on in the case and had a good retentive mind. We sat down and started reading. We were sitting there going through those and I think it was about ten days before trial. She pointed out something to me. There was an official written out policy and it said in block letters, "Never admit fault." I said, "Wait a minute. I've never seen that before. Maybe that's the explanation forensically for a lawyer

as to why you can't get any information about what happened to this child. If we play that card they'll have fifteen explanations for it."

If you have a really good piece of evidence and you bring it up, a really good lawyer can find an explanation for everything. That's just the nature of our business, you're advocates, and so you put on the best spin. It's like a politician. They can be caught with a gun in their hand, but they have some good reason for it. I said, "We really have to use this." To make a long story short, I identified all the policies and put them in as a joint exhibit. I've done this in more than one case. It's called "sleeping," or that's what I call it. I did a CLE program on "sleeping" documents. Your opponents are sometimes not diligent, and they don't read their own documents very carefully. A lot of times there are things in their own documents that they don't realize are there. I've had that happen in some other cases. Randy Blackwood and I tried that case in Columbus before a Columbus jury. Randy was Jim Butler's partner. He and Jim weren't practicing together at that time, so he was involved in that case with me. I put the joint exhibit in and nobody objected to it. Then I waited until we rested. Randy made the opening argument, and I made the final concluding argument. I blew the document up on a big chart. I had it sitting in the courtroom where I could get to it, but it was in evidence, so it was a fair comment.

*PROFESSOR LONGAN:* Sure.

*MR. BROWN:* That was never discussed, but it was in evidence. I just waited until I got ready to make my final concluding argument, when nobody had a right to say anything else. I was getting the last word. I got that exhibit out with "never admit fault." When I showed that to the jury up close, one woman in the jury stood up. She actually stood up, grasped the jury rail, and leaned way out, and I held it for her so she got a good look at it.

The medical community ran shifts and their wives and friends came to the trial. They were filling up one side of the courtroom—all the prominent medical people in town—so the jury could see their support. I said, "Randy, we have to do something. We only have three or four people sitting over on our side of the courtroom." Randy represented some unions—I don't know about the ethics of this either—but he went and rented us a peanut gallery of about twenty union guys with their

families, and we packed the courtroom on the other side. I thought, "Alright, what's sauce for the goose is sauce for the wounded Bird of Paradise." That evened up the odds in the courtroom. We didn't get a big verdict. It was several hundred thousand dollars, but it was really surprising because you're facing that in a small community, and you wind up having to take on the whole medical community in a real tragedy. I mean this was a real screw up.

*PROFESSOR LONGAN:* Right.

*MR. BROWN:* Of course, Baby Sanders had died at the time we tried the case. This lady was not anybody of any fame. She was living in a trailer park in Montezuma. They felt exonerated that they had gotten a little justice for this child. They tried to produce evidence that she had three children and there were different fathers, but I had a judge who really wasn't putting up with that. I had never met Judge Johnston before, but he and I got along very well. I told him, "That's what's coming, Judge?" I thought, "He's going to let them do it," but he didn't. He said, "No, we are not going to have any of that. I don't want to hear anymore of that. We're going to try this case on the merits," which helped us a lot. Today with discovery being what it is, it's hard to sleep a document or a piece of evidence because you have to reveal it, but more often than not, if it's their own documents, they haven't looked at them.

*PROFESSOR LONGAN:* You also have to resist the temptation to play it too soon; to show it in a deposition.

*MR. BROWN:* You have to do that. If they're going to find out about it, you might as well go ahead and deal with it, but if it's something that's theirs, you begin to get a feeling they don't know about that or they're hoping we don't know about it. It's a gamble, but if you sleep it, then it has a real shock effect. That was a turning point to help a Columbus jury give a Black family from Montezuma, Georgia a really decent verdict in a case against a really prominent defendant.

*PROFESSOR LONGAN:* I want to ask you about another case that was groundbreaking in one particular way in that it was one of, if not

the first, reverse discrimination cases. This is *Honeycutt v. Burge*. Tell us about that one.

*MR. BROWN:* That case involved Fort Valley State College. It's how I became acquainted with Frank Dean Martin, who is a wonderful friend of mine. He was a graduate of that school, along with some other people, who were technically on the other side of the case, but once the case was over, a lot of them—not publicly, really thanked me for doing what I did.

*PROFESSOR LONGAN:* What was the claim?

*MR. BROWN:* It was before the *Bakke* case on reverse discrimination. The case is reported as *Honeycutt v. Burge* in the Federal Supplement. That case created a lot of interest. CBS News came to Macon and covered it. Once they saw what it was really about, they lost interest in it because their initial thought was that it was some sort of wild case that was improperly brought, but once they saw what the evidence was, they obviously changed their minds.

*PROFESSOR LONGAN:* Tell us about the facts that led to the claim.

*MR. BROWN:* We sued the Board of Regents. One of the classes I represented was a number of professors at the school. There were very few White professors and there were very few White students. I filed the case in Federal Court, and Judge Owens certified it. I had the correct representative parties to bring that action. It was defended by the Attorney General's Office. We had a hearing that lasted two days. There were so many people at the hearing when we were putting up the evidence, the judge did something unusual. He let people stand up in the courtroom, opened the courtroom doors, and they stood in the hallways. There was an overflow crowd of people because the newspaper covered it. The evidence was about grades being changed and packing the school with people who shouldn't have been there. It was hurting the school overall and no effort was being made to admit White students or recruit White students. It was what the Board of Regents wanted to do, and I think I was right. They denied it then and will deny it now, but the

idea was to shunt the Black students to the traditionally Black universities and keep them off the University of Georgia campus. I have nothing against the University of Georgia. I'm a great UGA football fan and two of my children went there, but there was some of that. This was in the early 1970s. I don't know what's going on now exactly, but I know in my heart there was some of that going on then.

At any rate, Judge Owens heard the evidence and wrote that opinion. He found for us and ordered them to come up with a plan. I had an expert who helped us develop that. It was not a total fix, but it did help. I think the Chancellor wound up losing his job shortly after that case as a result of maybe because of the litigation. There was a young woman who came from the *Atlanta Constitution* and covered it. She was outraged about it, and she was really on the President of Ft. Valley State and the Chancellor. They have a new president. It had an impact. I monitored that case for more than ten years and kept up with it with different hearings. Charles Adams III, who teaches here, helped me with some it. His father was in the case with me. He's the one who asked me to come handle that litigation for him. That was Charles III's father, Charlie Roy. But they put the plan in effect and we monitored it. The case went on for probably fourteen years.

*PROFESSOR LONGAN:* The remedy is a plan going forward.

*MR. BROWN:* That was the remedy. They took a couple of appeals and both were unsuccessful. The court dismissed them. They didn't even get heard on the merits. It never got appealed properly. At first there was a lot of ruckus. That this was done for some improper racial motivation of some of our clients. There may have been some in a class action who maybe did have the wrong attitude, but by and large these professors—particularly the ones that wanted to see something done about the school—were sincere. It helped overall. I became really good friends with Frank Dean Martin and other people who came and said, "We're glad you did that. It was the proper thing. It helped our school. It needed to be done. People's eyes needed to be opened." The Opinion is there, and you can read it and see what the evidence was and what was happening. Some of the things that were being done were highly improper. What the judge found was a racial inequality in the diversity of the students who were attending college there, and that the

academic program was being used in a way which excluded Whites and admitted Blacks without any real objection from the Board of Regents.

*PROFESSOR LONGAN:* Before we take our next break, I want to ask you about one other case where the lesson essentially is a lesson of perseverance that you and I have referred to as the Flywheel Miracle case.

*MR. BROWN:* O'Neal had such a great reputation that when something happened people would think of Hank. The young Black man's name was Bobby Porter. His sister was a very nice, very presentable, well-educated nurse at the hospital, and very intelligent. She was our contact and came to see us. Bobby lived somewhere out around Dry Branch. There was a big curve, and in that curve, he collided with a tractor-trailer. It was a terrible wreck, and it left him unconscious. The Troopers investigated and they wrote it up with him being on the wrong side of the road and all the evidence being against him. He was unconscious, and it looked like he was going to be unconscious forever. Even after six or seven months, he was still unconscious, and the verdict was, "He's never going to wake up." We finally made a decision. We told his sister, "We're stymied on this thing because the law enforcement have made this call based on what was at the scene. We have no way to refute that, and we can't get his version. If his status ever changes, you contact us." We closed the file. About three or four months later, she called and said, "Bobby woke up and he says, 'I was in my lane and that truck came over in my lane and hit me.'" We said, "We'll look at this thing again," so we opened our case back up and went to talk to him. He had a hard time talking. He had sort of flailing movements because of his brain stem injury and everything, but he was fairly convincing. He was so insistent, "That truck hit me. I was in my lane. The truck was in the middle of the road and he hit me."

We had an investigator who worked for us, Jim Goswick. He still works as a private investigator here in Macon. After he left us, he worked some for the Jones firm, but he worked for us for a long time. He was really good at his work. He was an Ex-Trooper, and he got along well with those folks. We sent Jim down to see the Investigating Trooper who was stationed in Dublin, and the Trooper said, "You're an old State Trooper." He said, "One thing I ain't ever brought up. I have a roll of

film I took at the scene. I just didn't want to fool with getting it developed. I may have it somewhere." To make a long story short, we found that roll of black and white film and developed it. It had been laying there for a year or so undeveloped. When we had it developed, you could see the marks on the road. By the time we got in the case, they had paved the road over, so we never got to look at what was on the road. That's one way you reconstruct where something happened. Here were these pictures that existed before it was paved, and you could clearly see this big mark right in our guy's lane. He's going south, this truck is coming around this bend, and here's a big mark. We got Ken Hill or somebody to blow it up. Ken Hill was a photographer here in town. I still see him occasionally. He used to work for the media. We blew it up almost half as big as that wall. When we did that, you could see this mark and you could see that it had serrations in it like teeth. Our accident reconstructionist guy said, "That's probably a flywheel. This car has a flywheel which extends down and would be the first thing that would hit the pavement. Where is this wreck?" We checked on the wreck and went to Kitchens Garage. The Kitchens's son was real helpful because he was somebody my wife, Jean, had taught English to at Dudley Hughes High School. He liked my wife, and he set out to help us. He said, "Let's go up here and see. That car is gone. We sold it to be crushed, but let's look around up there." We started looking through the grass and the miracle was that there in the grass right where that car had been laying, was this flywheel. It had been taken off because it was damaged and bent. It has been laying there for eighteen months. They had just thrown it down. We said, "Are you sure that's it?" He said, "Oh, that's it. I took the thing off myself."

*PROFESSOR LONGAN:* That is a miracle.

*MR. BROWN:* There it was. We took it and we built a mock up of the engine out of wood so that you could fit the flywheel onto it, because it only fit one way. When you put the flywheel on it—if this is the front end of the car—the flywheel was bent as if it had been pushed backwards. In other words, it would have pushed the car backwards, hit the pavement, and bent the flywheel teeth. It was clear that was the point of first impact. It drove the car down. When the cars hit at impact, they go down and back and it had bent the flywheel. That solved the wreck

because the mark was in our client's lane. Once we got it all put together, you took your mock up and put the flywheel on it, it was clear how that happened. We were successful in that case, but it was kind of a miracle.

*PROFESSOR LONGAN:* There's a lot of perseverance there.

*MR. BROWN:* The lesson is that sometimes you get a little providential help, but from a lawyering standpoint, you have to be thorough. You have to go look. You never know what's there. The law of gravity is everywhere, it is what it is. If a piece of evidence gets deposited, chances are, it's still right there.

*PROFESSOR LONGAN:* Manley, we're continuing to talk about some of the noteworthy cases you had in your career. You've been doing this for fifty-two years, so it's hard to select just a handful of them, but I want to ask you about just a few more. There's one you told me about that took you back to a lesson you learned in Law School and you think most law students don't learn this lesson. It had to do with a fight over some Coca-Cola shares, which of course are very valuable.

*MR. BROWN:* Yes. When you get to Law School and you are studying jurisdiction, you learn about *in rem* actions. Law students wonder, "Why am I studying how to sue an inanimate object," but it turned out to be very helpful.

I had a law clerk named Frank Beltran. He was one of my really good students, my law clerk, and a longtime friend. He is a very fine lawyer in Atlanta now. He was walking by my office one day, and I asked him, "What you working on, Frank?" He said, "One of the partners gave me this to look at. It's involving Coca-Cola stock." I said, "Well, what is that?" He said, "There's some unsigned Coca-Cola stock that was in possession of a client but has never been executed in terms of transfer, and the transfer has not been signed." I said, "How much is it?" He said, "It's about seven or eight thousand shares." I thought, "They gave that to a law clerk?" I said, "I'll tell you what, Frank, I have some other things you can work on. Why don't you give me that file."



*PROFESSOR LONGAN:* That stock would have been worth, at that time, about how much?

*MR. BROWN:* Several million dollars. I said, "Why don't you let me look at the Coca-Cola stock case, and I want to talk to Lawyer O'Neal about it. What have you concluded about it?" Frank said, "I can't find too much. They gave it to me and told me to see if I had any ideas about it." I said, "Let me have it. That strikes me as something that Hank and I should take a look at." I took the file and gave Beltran something else to work on. He was a great law student, but it was on a little more than his level of experience at that time. I think he was probably glad to relinquish it. This older lady had given the stock to her daughter. I think the family had a lot of assets. They were cognizant of the fact that the Coca-Cola stock existed. The granddaughter lived in Mississippi. This lawyer came to Georgia, and when they left, they took the grandmother with them.

*PROFESSOR LONGAN:* Back to Mississippi?

*MR. BROWN:* Back to Mississippi. Her Will was changed and several things happened. Her husband had been a very prominent doctor, and they had a lot of assets, but the big asset was this eight thousand shares of Coca-Cola stock. It occurred to me one day that this was an *in rem* deal. Actually I learned about the practical side of *in rem* actions when I was an Assistant U.S. Attorney. I handled several cases condemning automobiles and property that was used in criminal violations, like cars, transporting non-tax paid whiskey, and that type of thing. Hank had done a lot of that in his domestic relations work. He loved those kind of cases. He had a long memorandum about it. I brought that up, and he said, "Yes, let's look at that. That would fit this."

*PROFESSOR LONGAN:* This is a fight over who is going to get the stock between the granddaughter and who is your client?

*MR. BROWN:* My client was the daughter; the granddaughter's mother. They were estranged from each other. The Mississippi attorney basically snatched this old lady. They came and took her back on an airplane. They flew over in this lawyer's airplane and took her back to

Mississippi, went by the bank, and cleaned out her safe deposit box. I guess they thought the stock was there, but it wasn't there.

*PROFESSOR LONGAN:* The procedural question is now, Where do you sue?

*MR. BROWN:* How do you do this? Hank said, "Oh, I know. I've done a bunch of these. I know how to do this thing." We put the stock in an irrevocable trust at the Georgia Bank, which is now some other banking institution, but it was the Georgia Bank at that time. We put it in an irrevocable trust and put it in that bank to be delivered, as prescribed in the escrow agreement we drew. It was to be delivered only after a binding court order. It was to stay in the irrevocable trust until then. The bank's lawyer helped us do that. We had it parked across the street in the Georgia Bank, our unendorsed stock, and then we filed an *in rem* action in United States District Court in Macon because the stock was here. The other claimant was in Mississippi, so we had diversity of citizenship. I remember looking up all that jurisdictional law and figuring out we could file it here. That was how we did it on a diversity of citizenship basis. We filed a lawsuit captioned, "*In Re Eight Thousand Shares of Coca-Cola*," and had the court sign an order for the U.S. District Court to take that fund into their jurisdiction. I don't know whether they physically transferred it to Federal Court or did it by order, but they served a process on the bank. It bound that stock to be delivered based on who won this lawsuit.

*PROFESSOR LONGAN:* The thing is now in the possession of the court, constructive or actual.

*MR. BROWN:* It's in *custodia legis* I guess you would call it. Then we had our client served and we had the daughter served. The lawyer flew over here, I believe, in a Lear jet. He came to see us opining, "You boys are wasting your time." He was a sports agent type kind of guy. I remember him talking to O'Neal like he was somebody from grammar school. I thought, "Boy, you're making a bad mistake talking to this man that way." But anyway, we had this conversation. We said, "No, we wouldn't be interested in giving you this stock. We think we're going to pursue this." The lesson to learn from that is, working backwards, and

then I'll tell you what happened in the case. Pay attention in Law School when you're studying something dull like *in rem* versus *in personam* jurisdiction. That's very important. It may be crucial in the biggest case you ever have. That was a case involving stock worth several million dollars. That was, at that time, probably the biggest case I had ever worked on. I did most of my work in Federal Court. O'Neal understood the *in rem* action part of it, and I did whatever stand up lawyering we had to do and had the contacts with the court and did that type thing.

At any rate, we went to Hattiesburg, Mississippi, and took a lot of depositions. All of them turned out very very well, because we had a local lawyer who knew his way around. He was a very nice man who had a big law firm, and he said, "Oh, there's something going on here. He told us the lay of the land and how they tried to get a Federal judge—who later got in trouble in another matter—involved in it. They filed an action in Federal Court. I did a lot of research since we filed first. What I found the law to be is that one Federal judge can't enjoin another one, but they can enjoin the litigants. I brought a motion to have Judge Owens enjoin the Mississippi litigants from participating in that case. We kept them from being saved by some home cooking they had arranged for us in Mississippi. That shut down the Mississippi litigation. We took these depositions, and we interviewed a doctor who was looking after the lady who we thought had been kind of kidnapped. He actually testified for us on deposition that he went in to see the grandmother. They had her in the hospital, and she was saying, "I want to go home" and that this former professional football player who was married to the granddaughter was actually holding her down. It was a great piece of evidence.

*PROFESSOR LONGAN:* I imagine so.

*MR. BROWN:* She said, "I want to go home. What am I doing over here?" It was clearly a bad deal. There was a lot more. They hired an Atlanta law firm to try to help with that case, some nice young man, but he was in over his head in the thing, and he never quite grasped what was happening.

*PROFESSOR LONGAN:* But the lesson is, when you study *Pennoyer v. Neff* and *in rem* jurisdiction, pay attention.

*MR. BROWN:* The *in rem* jurisdiction enabled us to recover all of the stock. It's very important. It is dealing with the fundamental. It's like anatomy when you want to be a doctor. You don't go to sleep when somebody is teaching you that because it may be crucial. It's my complaint, which I voiced to you as to why students aren't required to take conflicts of law in a country with fifty different states and all the conflict situations you get into. I don't know why we have Law Schools where people aren't taught that type of thing. That's an example of why you need a broad fundamental education to begin with, and then if you want to go into some esoteric-type space law or something, that's for later.

*PROFESSOR LONGAN:* Let's talk about what lessons young lawyers and law students might learn from what you and I have talked about as the Mule Train case.

*MR. BROWN:* That was a case within the last ten years about a family down in Berrien County, South Georgia. It's where Alapaha is. They have a parade there every year. The family brought their covered wagon. They had three generations of the family riding in this covered wagon pulled by two mules. They went through the parade, and then they started home. They had to go about a mile on a road that leads out of town and then turns off onto a country road to go back to their farm. They were hit from behind by a tractor-trailer. It was a common carrier based in Douglas, Georgia that hit them. It was pulling a Wal-Mart trailer, and it was skimpily insured. The wreck killed several people and injured several. It killed some grandchildren, some children, and a grandfather. It was an awful tragedy. The driver didn't have much information that he gave or would give about it. It was underinsured. Wal-Mart said, "That's too bad. We only have a million dollars insurance on this truck, and that's just too bad because we're not responsible."

*PROFESSOR LONGAN:* Right. He's not our guy.

*MR. BROWN:* He's not our guy. But we became suspicious because it looked like the people who ran that trucking company were ex-WaMart employees. We set out to see if we could connect Wal-Mart

and the trucking company. There had been a similar case to this one in Atlanta, and the lawyers lost it on summary judgment in Federal Court. We thought, "Let's take a look at this and see if we can't make the connection." We found a lot of good evidence once we started. The lesson to learn is don't give up, particularly when you have a tragedy like that. Yes, you spend a lot of money on it, and you spend a lot of time. If it doesn't work out, it's all to no avail. The trucking company would have paid their insurance and that would have been the end of the case, but it was woefully inadequate for something like that. We dug into the case and were able to generate enough evidence of control. There's a lady who runs a library out West somewhere. She collects all Wal-Mart's records. We had her do a records search, and we paid her to do that. We did that case with Danny Studstill and Justin Studstill. It was actually Danny Studstill's case. Justin used to practice law with us. It was Chris Clark, me, and the Studstills. Our firm was involved. We worked hard on that case and were able to make the connection between the control by Wal-Mart over the trucking company. One reason is they were directing this carrier to carry their merchandise on back hauls, which they really said they weren't doing.

*PROFESSOR LONGAN:* That's significant evidence of control.

*MR. BROWN:* In those records there was a videotape of an executive giving a pep talk about how many million dollars they made a month through what amounted to captive back hauls.

*PROFESSOR LONGAN:* But we don't do that.

*MR. BROWN:* They said, "We don't do that." It turned out they did do that. We resolved all those cases. How unlikely is a mule train case? It's dangerous to be out there in a mule train, but it happened. They only had a short distance to go, but there was never really an explanation as to why he hit them.

*PROFESSOR LONGAN:* There's a couple of other cases I want to ask you about. I don't know if you have lessons that come out of them, but they're interesting stories. I want to start with the case that involved Herschel Walker's brother.

*MR. BROWN:* Bill Byrd, a lawyer friend of mine in Atlanta, asked me to help in that case because it had to be brought in Macon. It was an FELA case.

*PROFESSOR LONGAN:* The Federal Employers Liability Act.

*MR. BROWN:* Yes. It's kind of a railroad workers' compensation case. It had to be brought in Macon because the registered agent for the Norfolk Southern in Georgia is here. It was the Hall Law Firm in Macon. That's how I got in that case. It was Herschel's brother, Renneth. He had gone to Albany State and played football. He was a good football player. It was interesting because I had the opportunity to know Herschel Walker. I spent a lot of time with him. Herschel said, "Renneth is the reason I played football because I didn't want to play football. I wanted to run track. I wasn't interested in playing football, but my brother said, 'No, you are going to play football,' so he really made me play football." Herschel's brother was driving a railroad track vehicle and pulling a load of heavy rails that you install as track. He was crossing some water on a trestle and there was a huge bump in the track. Thinking that it was actually going to derail, because it had a crane on it that was pulling the trailer, he jumped out of the lead vehicle onto the trestle and the carrier he was pulling broke loose. It didn't derail from the track, but the car with the rails on it ran over him.

*PROFESSOR LONGAN:* Oh no.

*MR. BROWN:* If he had stayed in the thing, he probably would have survived. He thought it was all going off, so he jumped on the trestle safely, but then the trailer ran over him. The case involved a lot of engineering testimony. An engineer named Mel Richardson from Clemson helped us with it. Judge Sands was the Judge. It eventually was resolved, but Herschel was a witness in the case. He came to our office and gave sort of a day long deposition.

*PROFESSOR LONGAN:* How was he as a witness?

*MR. BROWN:* Herschel was a great witness. He was courteous, nice, pleasant, and had a very pleasant mother and sister. They were a very very impressive family. You can see where he got his manners. He was a very deeply religious man. It was really great to spend the time with him. The railroad interrogated him all day about his family and some questions that weren't too courteous and that type thing. At the end of the day, the railroad lawyer said, "I have one more question. Will you sign some autographs for my kids?" Herschel said, "Sure, I'll do that."

*PROFESSOR LONGAN:* That was very gracious.

*MR. BROWN:* Herschel visited with everybody in the law firm and signed autographs for them. All the ladies enjoyed meeting him. It was an interesting experience. He was just exactly who he is portrayed to be.

*PROFESSOR LONGAN:* Not all of them are.

*MR. BROWN:* He would sit down on my couch. If you went out of the room and left him, he would go to sleep. He told me, "I don't sleep very much at night. I just sleep three or four hours." He had gone to look at the track himself. I intended to use him as a witness if we had to try it because he actually saw the defect that was there before they repaired it.

*PROFESSOR LONGAN:* You have mentioned several times as we've talked about the need to run a law firm as a business. You need to pay people, and you need to keep your eye on that, but from time to time you have done work pro bono. I want to ask you about a woman you've described as someone who essentially has been adopted by your law firm for many, many years.

*MR. BROWN:* Her name is Laurie Hay, and she was from upstate New York. She was living in Macon, and her husband got in some trouble and was incarcerated. She would have been about nineteen years old. It was a mysterious thing. She hitched a ride with some older man, and I don't know whether he made some pass at her or whatever, but she jumped out of the truck on I-16 and sustained a brain injury, which

disabled her for life. She has been in institutions all this time. Her mother and her father are dead, and she has one sister who is still alive. The available insurance then was \$10,000. We just took the money and put it in a bank account. I used it for her benefit for years. We would buy her things, but it ran out pretty quick. We bought her a wheelchair and some things she could use. Finally, the law firm sort of adopted Laurie, particularly at Christmas time now that her folks are gone. Every year her sister sends us a list of some of the things she wants. I have letters from her over the years and pictures she's sent me. She had an awful tough time and will never recover from this injury. The ladies at the law firm shop for her at Christmas time. We always see that she has Christmas. We have probably done this for close to forty years. I secured a commitment from my son Philip to continue to look after Laurie so she isn't totally forgotten. Because I'm seventy-five, I don't know that I'll be able to do that. She may live a full life.

*PROFESSOR LONGAN:* Recognizing that young lawyers and law students will watch this, can I ask you generally why is it important that lawyers do pro bono work?

*MR. BROWN:* In my generation, you really were compelled to do it. We were told we were expected to do this. We had appointed criminal cases, and you had no compensation for them. A lot of lawyers make a practice of doing pro bono, or what used to be pro bono work, because they get paid by the hour. There was no compensation, except for murder cases.

Bob Slocumb, who was my partner for a long time, and I, tried probably five, six, seven murder cases by appointment. You got \$150 for doing a murder case. That's not a lot of compensation. If you got an expert or something, you had to get it out of your pocket or something.

*PROFESSOR LONGAN:* If a young lawyer came to you today and said, "Mr. Brown, I've heard you talk about how important it is to remember that a law firm is a business and to keep your eye on that. I don't understand why I should spend any time working for free." What would you say to them?



*MR. BROWN:* I would say, "You need to do that as part of your passage of rite into the profession." It is harder nowadays, I will have to say, because students are so burdened by loans that it's a struggle to start a law practice. The bigger law firms can afford to have pro bono programs. It's harder for individual lawyers to do that. A lot of them are struggling to get by as it is without trying to do pro bono type work. But I've always done some of that for people I knew really well. I would just do whatever they wanted done.

As a matter of fact, I solved one case and it was a lady who was a friend of mine. She worked at the law school. It was Janice Chappell. She was a wonderful person. She was there when I came as a law student and she liked me. I was a hillbilly from North Carolina, kind of a fish out of water, and Janice was friendly to me. She and Georgia Albritton were the two secretaries who worked there. After she retired and was a pretty old lady, she called me one day just weeping and everything. I said, "Let me come out and see what's wrong with you." I go out, and she had this neighbor who had written her a letter. A tree had fallen, and it was on her property. They lived beside each other all those many years. She was a widow. The tree had fallen, and it had knocked his fence down, and part of it got on his lot. Instead of talking to her, he had hired a lawyer who had written Janice this real rough note, "I demand that you get this tree, etc." It was a huge tree and must have been four or five feet in diameter. The wind got it and it just uprooted and fell. They were demanding that she hire somebody to come do the work. He probably had insurance but did not want to use it. She said, "Manley, I'm barely getting along. I don't know what I am going to do about this." I won't mention who the man was, but he was somebody of some prominence in the community who could have probably easily afforded to get the tree up or help her. But he put Janice into a nervous collapse. I said, "Let me think about this," and this is how I handled that.

I called my father-in-law, Glenn, and enlisted his help. I'm going to put his picture in when I'm talking about my family. He was a wonderful man from North Carolina. He came and I got Lamar. I don't know if anybody else helped us, maybe my son Philip, who was twelve then. I said, "We're going to cut that tree up, but I'm not going to cut it without Glenn here because I don't want to get anybody hurt." We had to cut these huge limbs, and the limbs were like trunks. I said, "I'm going to cut this tree up, and Lamar and I will take the wood and use it in our fireplaces."

*PROFESSOR LONGAN:* Now that's some pro bono work.

*MR. BROWN:* We cut that tree up. It took us about two weeks. The guy from next door came over when we were cutting it up and asked me, "Who are you?" I said, "My name is Manley Brown." He said, "You're Manley Brown and you're cutting that tree up?" I said, "Yes. I'm cutting that damn tree up because you wrote Janice that letter and the tree has got to go." He was embarrassed. I said, "That's Lamar Sizemore, my law partner, and this is my father-in-law. We are going to cut this tree up, get it out of your yard, and that will be the end of this." It took us a long time.

Actually we had a pretty good time because Glenn and I had cut a lot of trees, and I used to get wood in the wintertime with my friend Harry L. Harris in the sheriff's office. We would go out in the woods with our kids and cut down trees. I had a power saw, Glenn had a power saw, and Lamar helped us with it. We cleaned her yard and got the tree out. We settled that problem. I guess that's pro bono. It was partially a legal transaction and partially an act of mercy.

*PROFESSOR LONGAN:* Yes.

*MR. BROWN:* Janice was such a wonderful person. I don't see how anybody could ever write a nice lady, who was almost eighty years old, a letter like that and scare her half to death.

*PROFESSOR LONGAN:* Manley, I said that you had a lot of stories after fifty-two years of the practice in law, and we talked about a lot of cases. I realized that I had forgotten to ask you about one that we do need to talk about that's the so-called Beaver Dam case.

*MR. BROWN:* I'll be happy to tell you about that case. It involved my friend, Chuck Byrd, who I taught as a student at Mercer Law School. He is a very fine and outstanding trial lawyer. He lives in Taylor County, Butler, Georgia. He works with the Pope law firm in Columbus and Atlanta, specializing in whistle blower cases. The case really came from Chad Nuce. You may remember Chad as a student here. He practices

in Upson County. Chuck and I were long-time friends, and his daddy was Garland Byrd, who was Lieutenant Governor and who I actually tried cases against when I was a prosecutor.



The case involved the death of a middle-aged Black man. He was not a registered engineer, but he had an engineering background. He had a very responsible job and was a very nice person. He worked in Columbus, but he lived over in the eastern part of Taylor County, so he drove to Columbus to work every day. On this one morning, he was driving through Taylor County. I guess he was on Highway 80. The road splits and you go to Butler and you turn to the right and go on to Columbus. He turned and went through kind of a swampy area, and when he topped the hill, at the foot of the hill, unbeknown to him, was about a foot of water in the road. Georgia has plenty of beavers, particularly in that type of environment. The beavers had built a dam in the culvert. This eight-foot culvert was designed to run water that accumulated north in this little bowl-like depression. The beavers had

built the dam there and, of course, it stopped up the culvert. There was like ten-feet of water standing to the north of that road because of the rain and because of a permanent drainage problem due to the beaver dam. The beaver dam had already accumulated water standing there. That was our theory. Then you have this huge torrent, and it ran over in the road. The decedent hit that water, hydroplaned, and went into ten feet of water backwards and could not get out of the car. He drowned. It was an awful way to die. Chad Nuce brought the case to us. Some other lawyers had turned the case down. They didn't think it was a case.

Anyway, he brought it to us. The case had already been filed, and it needed some plastic surgery. They had put GM in it. Chris and I thought we should take them out, which we did. We amended them out and concentrated strictly on the Department of Transportation. Chris and I did a lot of DOT cases under the Georgia Tort Claims Act against the DOT. We had a very good expert, Herman Hill, who is a former DOT engineer. He testified in those cases for us. It was a difficult case to put together. One thing we had to do is to retrench and undo some things that had been done. I took like forty depositions in that case. That's a lot of depositions. We finally got to trial. Judge Pullen insisted they make us some kind of an offer. They said, "We might offer you \$20,000." When somebody thinks you haven't got a case, they offer you \$20,000. We weren't interested in that. I got Byrd involved in the case with us because that's a small rural county where he lives, and Byrd is a very savvy lawyer. He was Farm Bureau's defense lawyer for many years and traveled all over these country counties. He got along well with the country people, was raised in the country, and knew the lay of the land. All four of us did some of the work. I've used that case as an example with my law students. Judge Ashley Royal used to have me come to his class and talk about expert witnesses. I talked about how expert witnesses get generated in a case, because we wound up with like thirteen experts. I had never tried a case with that many. We had like seven, and they had like six. It's a real challenge keeping all your experts on the same page.

It was interesting from the standpoint of all the expert witnesses we used, to put them all together, get them all deposed, and construct a way to try that case. We tried the case maybe for five or six days. It was a pretty lengthy trial. The defense was, "This was just a rainstorm, and we couldn't prevent it." But of course it was their culvert, and they were supposed to keep it open. They were saying, "Well, it stopped up on that one occasion." We had to prove that there had been a beaver dam

there for a long time. We found an expert from The Citadel, where Chris went to college. Nobody else would help us because it was the DOT. The experts wouldn't help us. We finally found an engineer at The Citadel who made a study of the road for us. The road had a hump in it. It looked like water had been seeping under it. He did a study of the soil. There's a mathematical formula soil scientists apply that will predict the time it takes water to penetrate or percolate through soil like that. His conclusion was that the water had been standing in that beaver dam up several feet for as long as eight to ten years.

*PROFESSOR LONGAN:* Wow.

*MR. BROWN:* That was a great piece of evidence. Their position was, "That's foolishness; that's voodoo," but it was really good science. They thought because the expert was originally from Massachusetts, he would have no credibility with a Taylor County jury. We tried that case, and the plaintiff was his wife. He had two really nice daughters who would get part of the recovery. They were not named plaintiffs because the cause of action lies with the wife. Now, there was a local witness, a very prominent person, everybody knew who worked for the DOT out there. He was their primary guy. They thought, "He's solidly with us." So I told Byrd, my good student and very skilled trial lawyer, "He gets the death penalty on cross or we lose this case." Sometimes you have witnesses you have to destroy. The cross-examination has to be the death penalty. I said, "How do you feel about it?" He said, "I don't mind that one bit. He's not being up front with this, so I'll handle it." I knew Byrd could do it, and Byrd really wrecked him!

*PROFESSOR LONGAN:* You had to take him out.

*MR. BROWN:* Byrd really worked him over. I said, "You did your job in this case getting rid of that testimony." Then once we did that, we had a chance. We hired Mr. Riley, an eighty-one-year-old man who was a dendrologist. That's a person who studies the science of trees. He had been a dendrologist and had taught forestry at the University of Georgia. He was a surveyor out there. Usually in a county like that, everybody likes these old time surveyors. They've all done work for them. Mr. Riley was just a great person. He came up with a deadly piece of evidence.

That swamp bowl where we had to go down and work was full of moccasins. We took a picture of a moccasin one day that was as big as my arm laying down in that culvert. I think that's why the DOT didn't want to go down in there and clean it out. I argued that to the jury.

*PROFESSOR LONGAN:* It makes sense to me.

*MR. BROWN:* Mr. Riley didn't mind. He put his boots on, and he went down in there. He called and said, "I think I found something in this thing. You all come over." We went and he said, "Look-a-there, there's a water mark along the top of this culvert. That by itself just tells you at some time there's been some water standing in here. I just realized something else. The land gradually rose as you walked away from the culvert, and I found on the trees standing up at a higher elevation from the floor of that swamp a water mark on all those trees. I ran a transit, and the level line went directly to the water mark above the culvert. You see what I'm getting at?"

*PROFESSOR LONGAN:* Oh, yes.

*MR. BROWN:* It was water mark evidence that the swamp had been standing full of water long enough to put a water mark on the culvert and on trees that matched up. We were getting Mr. Riley ready. Before the trial, we worked with him for five straight days. We would finish the day and Chuck would say, "Now, Mr. Riley, do you think you have this" He would say, "Not quite, but I'll have it by tomorrow." We would meet with him the next day. It was sort of gallows humor. We were laughing about that. We said, "We hope he gets it before we go to trial." Even on Friday he said, "No, I haven't quite got it like I want it in my mind, but I'll be ready Monday." Ha! But sure enough, we put Mr. Riley up there and he did a magnificent job. They couldn't begin to effectively cross-examine him. He was really worth a lot. This "on the ground" local surveyor is a practice pointer. Sometimes, its better if you can get a local expert and somebody that people know, even if he may not be as sophisticated. His testimony helped us a lot.

This was one of the two most uncanny things that ever happened to me in a courtroom—one happened in that *Stewart* case, but it's so personal I didn't talk about it. Somebody might think I'm nuts. But in

this Beaver Dam case, we tried the case, and it lasted all day before argument. We didn't get through and get ready to go to the jury to start our arguments until about seven o'clock at night. I think it was a Monday or Tuesday night. It was dark and there was a storm coming. We started arguing this case. The jury was probably predominantly White; our clients were Black. There were a few Black people on the jury, and a number of women on the jury. It was a good diverse jury. We knew something about some of them, and some of them we didn't know much about. But it came my time to make the final closing argument in the case. The Taylor County Courthouse is built kind of like a church. It has stained glass windows up high like in a church. As I started talking to the jury, it came the mother of all storms. It was shaking the courthouse, and the thunder and lightning would flash through those stained glass windows. It was just about the most motivational thing, except for this one other situation I mentioned, that ever happened to me in a courtroom. I notice you have a bust sitting over there in the corner of Moses the Law Giver. I felt like Moses on the mountain, getting the law! It ran through my mind, I said to myself, "Moses must have felt like this on Mount Horeb getting the law." But it stormed like that, and you could really hear it and see it!

One of my law clerks was there and he somehow got from the court reporter a recording of my argument. He was a young Chinese student. He sent me that recording, and I have it at the law firm. You can hear the thunder on that recording. I would sort of play off that with the jury. The lawyer on the other side—we were really at each other's throats. The judge let us do pretty much whatever we wanted to, so it was wide open. They didn't pay that much attention to the Rules of Evidence in for their argument. The lead lawyer from Atlanta had grown up somewhere in Alabama so he decided, "This is the country, and I'm going to make a country argument." He didn't realize that nobody grew up more in the country than I did. Nothing was more welcome to my ears than to hear that, because that's "invited" argument. It gives you a chance. That permitted me to invoke my best country argument. There's a particular argument. I call it the "Texas Argument" like some of the lawyers in Texas make. You can't get away with using that argument much; occasionally you can. It's really dynamite to do it, so it really kind of opened the door for that. Sometimes you can tell if a jury is really interested in what you are saying. I asked a rhetorical question. I just wanted to see how the jury would react to it. There was a very heavy set

lady sitting to my left on the front row of the jury, very close to the exhibits. I said, "Who knows what exhibit that bunch of lawyers from Atlanta over there are most afraid of? When he picked up everything in this courtroom, there's one thing he didn't touch because he's afraid of it, and he knows that's the truth, and he knows it's going to hang him in this case." She said, "It's right over there, Mr. Brown." She leaned up and pointed, and all the jurors went "uh-huh." At that point things have gone pretty well. The exhibit was a DOT record we had found that was a confession of guilt by an employee who they claimed had used the word "Beaver" by accident!

The jury stayed out about two hours. Another thing they did I thought hurt them is they took a position that this well-educated Black man, who ran the youth league at his church, was sleepy and wasn't keeping a lookout, and had taken his high blood pressure medicine, blaming it on the medicine, and saying that he was disabled driving in the car. You could see in the car where he had been in the back seat trying to tear the back seat out to get out of the car. It enabled me to make a really powerful argument about how they were disrespecting him. They brought up something to the jury about me teaching law students, and in response, I said, "Well, I taught law students at Mercer. Any law student who suggested something like that argument, if they had been one of my students, they would have gotten an "F" for making that kind of ridiculous suggestion in an argument." But anyway, the case ended on a good note. The biggest verdict they had in Taylor County at that time was \$49,000, and they gave us almost \$2 million. We had to write some of the verdict off under the cap. It was over what the tort claim allowed in that type of case.

This tells you not to give up on certain cases. You can't go through life and have much of a legal career if you only take sure things. A lot of times you may take something and you put a lot of time in it, spend money on it, and you have to quit or you get beat. Yes that happens, but it's lawyering that law students need to understand. I know it's hard financially for young lawyers to do that kind of thing and to be willing to take that risk, but you can always find somebody who will help you. I had certain kinds of bigger cases in my law practice. I did some cases involving substances that were used in mobile homes that burned. I found some lawyers who could do that kind of work. They had a computer with all this information about the product involved and so I did that in a number of cases. If it was something that I thought was way



beyond me and would take me two years to run down, I got some help with the case. No need to reinvent the wheel.

Another thing for young lawyers to remember; Don't always take a vacation to a beach and sit around drinking beer. Go to a seminar somewhere. You have a good time, but you meet really good lawyers from all over the country. Listen to them and get clear ideas about cases and things that come up. It helps you in your practice. Otherwise, you become provincial in your thinking.

*PROFESSOR LONGAN:* That's one of the things I wanted to ask you about next, Manley. We've talked about your primary mentors like Judge Bootle, Floyd Buford, and of course, Hank O'Neal, but I want to talk to you more generally about this question of mentoring. One of the things that you have mentioned to me when we've met is how important it is for younger lawyers to just spend time actually listening to older lawyers. I wonder if you would talk about that. I made a list of all the lawyers that you mentioned when we talked. We can go down that list and talk about how important it is for young lawyers to just be quiet and listen and to watch older lawyers do what they do.

*MR. BROWN:* I got that idea—not necessarily original with me—but it is intuitive to want to do that. When I went to work for Judge Bootle, he said, “Now, Manley, you keep your work up and get your work done because I want you while you work for me as a clerk to come in the courtroom. I need you to see what's going on in case we have to look up something and I have to send you to help me figure out what to do about an evidentiary ruling, but that's not the only reason. I want you to listen and watch these lawyers. Now some of them are just going to do things that you would never do. I'll talk to you about them and what they do right and what they do wrong. You're going to see some really good lawyers, so you watch them and listen to them and learn from them.”

This district has seventy counties in it. When I was in the U.S. Attorney's Office and went to those counties, my boss, Floyd Buford, knew everybody there. One thing I did when I traveled with Judge Bootle—and particularly when I was in the U.S. Attorney's Office—is I tried to find out who the Mercer lawyers were. Those seventy counties in South Georgia were full of Mercer lawyers. I tried to find out who the Mercer lawyers were so if I had any chance, I wanted to meet them and

talk with them. It helped me build my practice contacts for later on. If I had something in a particular county, I knew who to call. I watched those lawyers, learned about them, found out about them and what people thought of them and, the people you trusted and what kind of experience they had. Most of them were really successful people in the area in which they practiced. They didn't practice in a broad area geographically, but they were thoroughly versed in what goes on in a courtroom. What you're trying to do when you walk in a courtroom is feel comfortable. I know what's going on in here. It's like teaching a law class. I know how this should go. The only way you get that is with experience. I tried to watch what the lawyers did and what they didn't do and tried to improve on that or learn not to make the mistake they were making.

*PROFESSOR LONGAN:* Are there a few in particular that you want to mention who you watched and learned from?

*MR. BROWN:* Yes, a lawyer named Gordon Young. I learned a lot from Gordon. He was one tough hombre, let me tell you. People were really afraid of him. He made the courthouse shake. I tried a week long trial against him in a really bad kidnap/rape case on the Fort Benning reservation and learned about how he argued cases. Some of those Columbus lawyers, like Gordon, Pop Owens, and Vince McCauley, those were experienced lawyers. In Macon, you had Mr. Martin, Mr. Grant, and Frank Jones. You had a lot of old time lawyers like Wallace Miller, Jr and my boss, Floyd Buford. I watched him try the Lemuel Penn case. They could never have won that case without him. He was not a polished Ivy League type speaker, but he was smart, he understood the law, and he really knew how to talk to a jury. They listened to him very carefully. That's part of the learning process if you're a brand new lawyer and you think, "I went to law school, I made good grades, and I passed the Bar. I don't want to listen to some old guy." That's a big mistake.

*PROFESSOR LONGAN:* As you grew in the law and in your career you were mentored, but in turn, you have mentored multiple generations of lawyers. As you probably know, when I interview other lawyers around this part of the world, your name comes up every time I

talk to them. What does it take to be a good mentor? What is it you've been able to do for those younger lawyers who were trying to follow you?

*MR. BROWN:* You have to be willing to make yourself available. You have to do it in a way that doesn't make it appear that you're being imposed on because you teach all these law students. They call you and they have a problem or something—probably something you tried to teach them in law school that they didn't pay attention to—but you can't let that get in the way. The definition of a friend is somebody who will help you out when it isn't convenient. That's my definition of a friend: someone who might get out of bed and help you out. You have to make yourself available to people so they feel like you're interested in them. It's easier for them to learn something from you or to listen to you. I'm afraid most lawyers are not amenable to that. I helped people whether I got in their cases or not. Probably one percent of the people who called me, I actually ended up in their cases. I just tried to help them unscramble some mistake or tell them what to do or find them an expert or whatever. But you have to be able to extend yourself.

It's just like law school. They're not going to come around to your office and ask advice if you're grouchy with them or make them feel like, "What are you doing here? I don't have time to spend with you." That's one thing I admire about my friend Bobby Lee Cook, who is much older than me and is a famous lawyer. He takes time for any young lawyer. It doesn't matter that he's ninety years old. Anybody who wants to talk to him, he talks to them, helps them, and gives them advice. He just has that kind of personality. It's like our Bar mentor program we're trying to run. Marc Treadwell, T.D. Wilcox, Hardy Gregory, and some of us try to help the students who are at risk to pass the Bar exam. It is an emotional boost more than what you're teaching them. If somebody is interested in you and helps you, that always makes you feel better. It makes young lawyers feel better, because usually a young lawyer just wants somebody to speak to them when they first get out of Law school, particularly when there's as many lawyers as there are now. They just want somebody who will take a little time with them. It's an important thing.

*PROFESSOR LONGAN:* This mentoring is a great tradition in the law. It's been going on a long time. Some people say that it's a

tradition that's dying, and that young lawyers don't get the mentoring they used to get. Do you think that's true, and if so, why?

*MR. BROWN:* I don't think so. It's probably dying some because people are just too busy. You can't bill for mentoring someone. With hourly billing, they're not interested a lot of times in spending time with young lawyers. You're trying to bill everything you can trying to make ends meet. It's a different generation of people with the computer and iPhone crowd. They have other things on their mind. The more cosmopolitan the place, the less mentoring goes on. There's more of that with people out in the provinces.

*PROFESSOR LONGAN:* If you were trying to convince that generation that they should keep this tradition alive, what would you say to them?

*MR. BROWN:* It's almost whether you have any regard for somebody else. Some lawyers feel there are too many lawyers. "Why should I help somebody out? Why are you all trying to help people pass the Bar?"

*PROFESSOR LONGAN:* It's a very self-oriented.

*MR. BROWN:* It's totally selfish. I said, "If you're just a selfish person and you don't want to help, this says a lot." What I tell people is, "If we have one person pass the Bar, that helps him or her. He's probably got a wife or she's got a husband. They have children, parents, and grandparents. Everybody is pulling for them. If you help one person pass, you've changed that one person's life maybe forever for the good. It's important. It's just a question of are you going to do something for your fellow human beings." As I told you, it's just basically Baptist Sunday School or Methodist Sunday School stuff.

*PROFESSOR LONGAN:* I want to ask you about one thing in particular. You meet with my first-year students every year. It's always a great experience for them. We appreciate the time you take. One of the things it's fair to say that's unique is they take away from their time with

you your famous reading list. You are a firm believer in lawyers being deep serious readers. I have a copy of that list. I want to show it to you and see if you will talk about what's on that list and why you think that all lawyers should be such deep serious readers.

*MR. BROWN:* First of all, I will say that as I was growing up and practicing law, just about every really outstanding trial lawyer I ever knew was somebody who was widely read. I knew a lawyer named Colson from Miami. He's dead now. His law firm is probably one of the biggest law firms in the United States. He came to High Hampton and was a very courteous nice man. Once I was in law school, I knew who he was, and I used to talk to him. He was very courteous to talk to me. I watched him because he had a big family. He brought his family, and during the day they played golf, rode horses, and did all the stuff we had for them. Occasionally, he played golf, but most of the time he took a book and sat on the veranda at the High Hampton Inn and Country Club and read. I looked at the things he read. It was biographies and things about trends in politics or in medicine or science. He read real literature. It wasn't romance novels. I later became fairly cordial with him. He and I had a few close encounters in the law practice. I actually taught some students at Mercer who went back to that law firm. He was one of the people who started what became the American Trial Lawyers Association, which at one time had a hundred thousand members. It started as NACCA. He was a brilliant guy, but he read. He was like Hank O'Neal. Hank had read everything. He even gave me a book of Khahlil Gibran's poetry to read. I thought, "Why do you want me to read this?" I've still got it. I found that I enjoyed it, and I got something from reading it. It helps you discover or improve your poetic side, which I always knew I had. I always remind my students that language is metaphors. You have to talk to juries, and you're only twenty-five years old, so you haven't had enough experience to have enough empirical metaphors to really talk and explain things to the jurors, particularly older jurors. If you wait until you have enough experience, you will have lost many years. The way you learn is to read; get your metaphors from reading. They don't read enough in college anymore. They don't have to read like we did. I had a student last year raise his hand who said, "I don't know if I should ask this or not, but what is a metaphor?" I was disappointed. The class chuckled. I said, "I really don't have time to give you an English lesson, but you can easily learn. It's simple; it's language."

*PROFESSOR LONGAN:* Look it up on your iPhones.

*MR. BROWN:* I was trying to motivate them to read and not to spend all their time on their iPhones or computers, but to read something meaningful and to know something about history and what's going on in the world around them and things that will help them. If you practice at a pretty high level in the law practice, you deal with experts all the time. You're taking their deposition. At least fifty percent of the time they think you're an unlettered uneducated lawyer and they use metaphors a lot of times. If you're really on your toes, they'll use one that's a mistake. Then you can turn the thing around on them. It's really power, because otherwise it just goes over your head or confuses you. What they're trying to do is to confuse you or to use some concept in science or math or something that you don't have the foggiest idea about, such as decaying exponents or something that you've never heard about. You're bumfuzzled. If you've read enough and educated yourself enough to be able to deal with that and be ready for them on that, then that's how you win that deposition contest.

I now have thirty books on this list. That's just a sampling. By the time you're my age of seventy-five, you should have read hundreds of books. My mother believed in reading. She used to bring me the *Saturday Evening Post* when I was in grammar school. I would sit in the big chair, and she would fix me sandwiches, and I would read the serials. I loved to read and could read when I was five years old just by virtue of being raised by a school teacher. It is the most important of all the skills, because you can't study anything else if you can't read. You can't study another course. If you can't read a textbook, you're dead in the water. That's a failure of education.

*PROFESSOR LONGAN:* Everybody who sees this will see this whole list, but take a look at it and tell me about a few of these that you think are particularly important.

*MR. BROWN:* What I found out about it is a lot of times some of my lawyer friends are more interested in having this list than my students. I do have some students call me and say, "I've read so-and-so, and I enjoyed it." The first is *Anatomy of a Murder*. That's a James Stewart

movie. I ask them to watch it because it is very realistic. The book was written by a judge in the upper peninsula of Michigan about how a case is assembled and just how do you put a murder case together. O'Neal used that in two of his greatest victories in criminal cases. He used the *Anatomy of a Murder* defense about the dissociative reaction.

*PROFESSOR LONGAN:* Irresistible impulse.

*MR. BROWN:* It's somewhat like that, but the movie, particularly the book, tells you exactly how to develop it through your requests to charge, and everything. In *The Caine Mutiny*, the cross-examination of Captain Queeg is remarkable. Anybody who wants to be a plaintiff's lawyer has to read *The Grapes of Wrath*. It's inspirational. If the law is not available to poor people, they haven't got a chance. Life runs over them roughshod. That's one of the greatest books. Steinbeck knew what he was doing. Of course, he bordered on kind of being a Communist, but he was one great writer. He understood poor people and the downtrodden people beaten down by life and the law. They say a plaintiff's lawyer is someone with "a kind heart and an organized mind." I saw a painting that said that. That's what you are. You should read the book. Steinbeck really captured human beings and human emotions.

*Dr. Zhivago*, that's the Russian *Gone with the Wind* for crying out loud. It is hard to read, but you learn about the Bolshevik Revolution, and the side effects of a revolution. That's a wonderful book. It won a Pulitzer Prize. If you looked up and made sure you understood the definition of every term Pasternak uses in there, you'll increase your vocabulary by twenty-five to thirty percent.

*The Killer Angels* is about the Battle of Gettysburg. It won the Pulitzer Prize. Shaara wrote that book from the historical papers. He wrote what he thought the dialog would have been. It really tells you from both sides what courage is and what really courageous people are. We think, "He's a courageous lawyer" and that type of thing, but that is nothing like what's portrayed in the book. It is highly motivational. I've read it probably four or five times. Sometimes I'll read it during the days that the Gettysburg Battle was actually fought. My good student daughter, Kathleen, who went to the University of Georgia, told me about it. She said, "Pop, you ought to read this book. I read it in one of my classes." She was in some Honors classes. She said, "You would like it. I really

fell in love with it." My friend, Judge Wilcox, likes it. It was a great movie. *John Adams* was a great lawyer, and he was President, but he was also very brave. You wouldn't have thought he would have been a plaintiff-minded lawyer, but he was. He took cases that other people wouldn't take. He took the case to defend the British soldiers.

*PROFESSOR LONGAN:* The Boston Massacre.

*MR. BROWN:* He was representing the enemy, and he took a lot of heat for it. That shows you the kind of character he had in that regard.

Some people don't like Erskine Caldwell's work. It is a caricature of what the South was like because its language is so rough. I don't know if you've ever read his *God's Little Acre* and *Tobacco Road*, but a hundred million something copies of those books have been sold. Those books have been translated into twenty languages, but they're all set around Augusta, and it's about the South. It is about the worst poverty imaginable. It makes the *Grapes of Wrath* look like you have them living on Madison Avenue or something. We used to read all that stuff in college. They don't seem to now. Apparently, that's not required anymore.

*The Earth Shall Weep*, is a 1500-page book about what happened to the Indians. It's a little slanted in favor of the Indians or Native Americans. It's really making their case as to how they were mistreated. A great title, *The Earth Shall Weep*, was something one of the Indians used in a prayer, and the earth shall weep about how they're treating us. We owned this place. There were seventy million of us when you all came over here to North and South America, and you wiped us out. Now there's a handful. The author, James Wilson, he spent a long time writing about that. I'll bet that is something students don't know much of anything about, but that gives you a feeling of how to argue a case for somebody who's been mistreated. It develops a certain personality or a state of mind.

*The Naked and the Dead* and *All Quiet on the Western Front* illustrate the brutality of war. We have to go to war. There is nothing funny about war. It's awful. Norman Mailer wrote *The Naked and the Dead*. He knew about it because he was out on one of those islands in the Pacific. He's kind of a weird guy, but he was right there. He knew



what it was like out there in the jungle; I have to kill this other human being who is trying to kill me. It ain't romantic.

*In Cold Blood.* Truman Capote, who was an oddball of sorts, wrote that book about the Kansas murders where those two men killed the whole Clutter family. They shot all the members of that family, and they hung them for it. It's a gripping story about the dark side of humanity.

I have on here *Einstein's Biography*. Isaacson, who used to be the CEO of CNN, wrote that book. He's a brilliant guy. You say, "Why do I want to read about Einstein?" He really is a pretty important person. It's a fascinating story about what kind of personality he had, how he came to solve relativity, and all of his gravitational theories. As a lawyer, it helps you tremendously to think about those because that's essentially what all automobile wrecks are about, gravity. Reconstructing automobile accidents is mathematics and physics, relative to gravity formulas. Stopping distances, skid distances, speed, and how fast somebody was driving. You take what's on the ground and figure out how fast somebody was going. You have you a big case, and they show up with some guy with a Ph.D. from Georgia Tech on the other side, so you better know something. You have to be able to understand that stuff. You don't have to be a math major. Fortunately, I had Lamar Sizemore with me for many years. He was a math major at Mercer, so he was really good at that. I never did like mathematics, but if you sit down and put your mind to it, you can learn the basics. Reading about Einstein tells you about a whole other world, and that's interesting. He wasn't an atheist, but he was an agnostic. He says, "I'm not an atheist, I believe there's a God, I just don't believe it's a personal god." People said, "Why do you even believe there's a God?" He said, "Because how else could I be smart enough to understand how this universe works."

*PROFESSOR LONGAN:* That's a good response.

*MR. BROWN:* That was an interesting observation. But the book *Old Man's Toy* is about a toy this guy put together with a broomstick and some other hardware and gave it to Einstein on his birthday. It was to demonstrate mechanically his gravitational theories. You could use this broomstick and you could do certain things with it. It demonstrated his conclusions he had. It has the basics of a lot of physics.

The man who wrote *The Fabric of the Cosmos*, Brian Greene, is a modern day young Einstein who taught at Cornell and NYU and is a brilliant physicist. He talks about what makes our cosmos and what makes it work. If you school yourself on them, then when you have to deal with all these scholarly people in your serious cases, where you have a lot of engineering and science and stuff, you learn to speak their language. It's immensely helpful. I can't tell you how helpful it is. Otherwise, you're sitting there, and the witness might as well be speaking Russian to you.

*PROFESSOR LONGAN:* The law touches everything.

*MR. BROWN:* It touches everything. There's nothing you learn that doesn't come in handy, it runs the gamut from top to bottom.

I have biographies of John Wesley and D.L. Moody. Wesley was the father of the United Methodist Church. D.L. Moody was the forerunner to Billy Graham, and he used to speak to thirty thousand people without the benefit of a microphone. They were just great speakers. John Wesley would go down on the street corner. He would have his brother sing a song, and then Wesley would start talking and people just started listening to him. He would attract a crowd just because of how he spoke. I tried to get Lamar to read it. He's a big United Methodist. He said, "I can't read this biography." He read part of it and gave it back to me. I said, "Lamar, you need to read John Wesley's biography." I don't know if he ever finished it or not.

The biography of Winston Churchill. Everybody in the English speaking world should know about Winston Churchill. His command of the English language really kept London afloat while they were being bombed. He was inspirational with his "Never, never, never give up!" He was a curmudgeon. I didn't like a lot of things he did. He sponged off people and made money in weird ways, but he was an impact person in the world. And he wasn't afraid of anything!

Billy Graham is there because he's one of the most influential people of our time. He advised all the Presidents and was their spiritual advisor. You should know something about him whether you're a Baptist or not.

In the law practice, a lot of cases involve science and medicine and that type thing. Some of the best books on my list are *The Great*

*Influenza*, which is a study of the Spanish Flu that killed close to fifty million people. It was about the battle of all those really brilliant people who sat around trying to figure out what was going on with this virus. Most of them were unmarried ladies who just spent their lives sitting looking through a microscope trying to figure it out. Why is this killing so many people? It was like the bubonic plague in Europe, which is the next book—*In Wake of the Plague*. It tells you about how that got started and the Y-Pestis bacillus that caused it, how it got there, and how they dealt with it. The third one is something called *The Ghost Map*. It's about Dr. Snow in London. He figured out why everybody was dying from cholera. He was a determined guy. He made a ghost map of where everybody died and what he found. He found out that the answer was pretty simple. They had all their latrines, their "loos" as they call them, draining into the water system.

*PROFESSOR LONGAN:* Yes.

*MR. BROWN:* They were drinking out of their sewage, and they were all dying. It helps you to think about science and how it works and that type thing, because when you're a lawyer, you have to deal with all kind of doctors and people with medical problems and issues. If you're going to be a lawyer, you've got to learn to think that way.

*Becket* is a book about Thomas Becket. That's some high drama about Church and State and the great battle. He had an exaggerated understanding of himself, but he was one more smart guy and one more courageous guy. Henry II had him killed accidentally. He claimed he didn't mean to kill him because he really loved him, but he hated him. It's a great insight into Church and State and the evils of Church and State. That's one thing I have an issue on with my Baptist denomination. They let politics creep into our religion and that's a mistake, no matter what. That is what's wrong with Islam; its religious politics. Religious politics bring a lot of trouble. We had some smart people who wrote our Constitution who said, "Don't do that; it won't work." It causes a lot of problems when you combine the two, just like the Church of England did when we came over here to get away from that. It's anathema as a lawyer, and you need to keep that in mind and resist it. When it starts, you need to be able to say, "Hold on a minute; let's don't do that." Combining two things that don't mix have always caused trouble.

*The Last Stand* is about Custer and the Indians, how he treated the Indians, and how he managed to get himself killed. *Out of Africa* is a true story about Karen Blixen and her life in Africa. They made a great movie out of it, but you get to understand the justice system among the common native people in Kenya and how, aside from the British Common Law, which they tried to adopt, how the people who lived there, the endemic and the Native Africans, settled disputes amongst themselves. It's fascinating, and it's explained in that book. If you kill somebody's cow, or even kill somebody, and how they traditionally worked that out; how colonialism works or fails to work. What you see is how it doesn't work. That gives an example of a world that's gone now. If students don't read about it, they won't ever know what it was like. It will sound like a good idea, but it wasn't a good idea anymore. We didn't like it. We fought the Revolutionary War to get out from under that kind of thing.

A Japanese physicist wrote *Physics of the Future*. It is his prediction about all the things in the future that we already have the technology to bring about. It's stunning what they are. I mean, theoretically, you could live your life in one room and experience all of life with all the gadgets and reality stuff. It's crazy. It's contrary to being a human being, but I just found it interesting reading about it.

I read *Something from Nothing*. There's a couple of books called that. I read that book when we were at the beach one time. My kids and grandkids kept saying, "Pop, what are you reading?" "A book called *Something from Nothing* that's crazy." They laughed at me. The authors attempt to explain the consensus that there was a big bang, but what the debate is about is how did the big bang come about. All these physicists are writing theories about it and what happened before the big bang produced something full of DNA and all these complex worked out systems and everything. You see that with both sides, and nobody really has an answer that they want to give on how that happened. I just find that fascinating reading. It deals with the ultimate mystery!

I think people who are educated should read comparative religion books. You actually know a little something about Protestantism, Catholicism, Islam, etc. You can know the truth rather than listening to CNN. You can't get the truth about those things out of news stories. You have to read about them, and see what actually is going on. Then make up your own mind. Lawyers demand evidence!

*Clarence Darrow: Attorney For The Damned*, the greatest trial lawyer, had studied the Bible in depth. He was an agnostic, but he realized the power of the Bible and that people were influenced by it and there are a lot of people still who are so influenced. It's still the biggest seller of any book in the world. It is full of subtle metaphors that you can use in arguments. If you just go back in the Old Testament and read Leviticus, Numbers, and Deuteronomy—all the Mosaic law—concepts like comparative negligence came from that. They had negligence rules, and they had manslaughter rules. It is the origin of our law. It's worth reading because you see where our law came from.

Thomas Cahill wrote several books. He's a brilliant man. He reads several languages and used all the basic documents written in Hebrew. He's a real scholarly guy. He wrote a book called *The Gifts of the Jews*. It was a real mind changing thing for me to read that and the origin of things. Then he wrote one about the Greeks, *Sailing the Wine-Dark Sea* and the Irish, *How the Irish Saved Civilization*. He wrote several of them, and he says for us to remember, if you're living in the United States, you are culturally a "Greco Roman Judeo Christian." Your brain is a Greco Roman Judeo Christian brain mixture, but he puts it together in all those books. Keep in mind, that's where our government came from and how we define our politics, our political bodies, theater, music, poetry, drama, and democracy. All those ideas came from these civilizations synthesized one after another.

The last book on there is *Longitude*. Who reads a book called *Longitude*? A lot of people read the book and liked it because it's about this man in England solving how to compute longitude. Latitude was always pretty easy with a sextant taking geometric angular fixes at noon or other times and then comparing them with tables. You could figure out where you were latitudinally, but you had to have a real reliable timepiece to figure out where you were longitudinally. To do that, you had to have something that could keep correct time on a ship. You couldn't use an hour glass. They offered this big amount of money for somebody to figure it out. The guy who figured it out insulted the British ego because he was a cabinetmaker and he built a timepiece that is still working. I went to a dinner one time at the Guildhall in London, and one of his timepieces is in there. They still have that timepiece, and it's still working. What a cabinetmaker! If you haven't seen that movie, get that thing and watch it, or read that little book about how he built it. He was just brilliant. Of course they tried to figure out a way to screw him

out of his money because, “We can’t give this money to a cabinetmaker. He couldn’t be smarter than we are because we went to Oxford and have all this training.” Yet, he built the timepiece. That’s a motivational thing when people see not everybody had to go to the Ivy League schools to have some sense. You can find two hundred books like this that people need to read. If they read all these, it would take a while. You can’t just sit down this weekend and read those books.

*PROFESSOR LONGAN:* No. Definitely not.

*MR. BROWN:* If you read them over a time, it will improve your education and how you view life and how you can relate. To be a lawyer, you have to be able to relate to a lot of different people from every socioeconomic group all the way up the ladder to really be very successful.

*PROFESSOR LONGAN:* I appreciate you sharing all that with us. Manley, I want to switch gears here to a series of topics. The first one is an issue that is central to what I do. I know it’s something that you have thought long and deeply about, and that’s the question of lawyer ethics and lawyer professionalism. Here’s my question: “What do you think the biggest challenges are to lawyer ethics and professionalism in the practice today? If you were giving advice to young lawyers about how they should approach those challenges, what would that advice be?”

*MR. BROWN:* I have a little trouble with that because I grew up and was trained in an era devoid of lawyer advertising, so I have a real distinct bias against it. I don’t think the Bar enforces the rules very well. The biggest challenge to plaintiff’s lawyers is marketing and how to get cases and do it honestly within the rules. I’m afraid a lot of it is done maybe not completely within those rules. It is probably very difficult to follow the rules and compete in that arena.

If I were advising somebody going to Law School now, I would tell them not to go into a practice like I gravitated into. I started out doing criminal law and being a prosecutor, and those things and moved strictly into plaintiff work. I got my cases by being in certain organizations and on law lists, which generated out of town business. I had a very very

strong plaintiff's law practice for close to thirty years. My paradigm is gone completely. Now it's a dog eat dog type thing.

*PROFESSOR LONGAN:* They wouldn't do it if they didn't work.

*MR. BROWN:* People are sitting at home, and it's usually for less sophisticated people who don't know lawyers or something. They just pick up the phone and call them, and they get their case processed or not processed. There is no real professional relationship. That's a troubling thing, but it's legitimate under what was brought on by the Supreme Court saying that it is a First Amendment right to advertise.

*PROFESSOR LONGAN:* I am curious as to what yours is and what you would say to young lawyers about the notion of professionalism, as opposed to legal ethics.

*MR. BROWN:* In a speech I made, I discussed a bunch of lawyers who I knew and admired. I pointed to one thing I've tried to do in my lifetime that young lawyers should try to make friends out of your enemies and don't make enemies out of your friends. In dealing with other lawyers, you can deal with them in a firm sort of way without making it personal, but there are some lawyers who cannot do that. They have to insult each other on a personal level.

*PROFESSOR LONGAN:* How would you handle it when a lawyer would act that way towards you? You have to handle it in the moment.

*MR. BROWN:* I always just plowed on ahead and basically ignored them. It was a little harder when I was a really young lawyer, but I tried not to do that because a lot of times they do things to distract you. The best way to hurt the other side is not necessarily to turn the other cheek; it's to plow on ahead. When they finished talking, I would plow on ahead and really step up my pace. They usually do it to interrupt you if you're making progress with a witness. Occasionally, you have to correct them and tell somebody they are way out of line, and we need to call the judge on the telephone or something to talk about it. I've done that. I would just call the judges and tell them what's happening and can you help us

with this issue. I've tried to counsel my lawyers and the people who work with me not to get into a verbal fight. "You are here to take this deposition and get information. Don't let them distract you." They acted that way and it affected my future dealings with them as to whether I trusted them or whether I had much to do with them. I'm not a believer in holding grudges or vindictive type revenge. It's more hurtful to the person who does it. I just never believed in that, but if somebody acted that way, I just never had anything else to do with them unless I was absolutely forced to do so. I had an unpleasant instance with one of my former students one time. I wouldn't do something he wanted me to do, which was perfectly improper for my client. He wanted me to do something that would help his client but hurt my client. I said, "That's nuts. I'm representing this man. I'm sorry." I don't have anything to do with him anymore."

*PROFESSOR LONGAN:* Judge Sizemore tells the story that Hank O'Neal told him to keep a list of the people, but it's a short list.

*MR. BROWN:* You move up and down, but you never get off. O'Neal would hold a grudge against somebody. I didn't believe in that then, and I don't believe in that now. I guess I hold a grudge in the sense that I don't have anything else to do with them unless forced. As the Bible says, "shake the dust" off my clothing and leave them alone. I like that expression. You just don't have anything else to do with them.

*PROFESSOR LONGAN:* Let me ask you about your time teaching at Mercer Law School. How many years did you teach here?

*MR. BROWN:* I taught forty-four years.

*PROFESSOR LONGAN:* It was a long time you taught students. One thing I know is that you didn't do it because of how much money we paid you. It's laughable what we paid.

*MR. BROWN:* Yes. I made three times as much the first year I taught. When I retired, I was making one-third what I made when I



started in 1972. But it was a labor of love and really benefitted me in many ways.

*PROFESSOR LONGAN:* That's what I was going to ask you about. Why would you spend all those years, all that time, and all that energy? Thank you for doing it, but I want to know what it meant to you.

*MR. BROWN:* The way I was hired is when Dean Beatty came here around 1970. He was talking to Judge Bootle and some other people, and he said, "The law school needs some clinical education. You all have never had any clinical education courses, and you've never had a trial advocacy course. I want someone to teach evidence, and then I want somebody to teach a trial advocacy course about how to assemble a trial. Then, I want somebody to preside over the trial after they've had evidence and learn how to put a trial together." That made plenty of sense. Evidence was just taught in the regular curriculum. Then, Dean Beatty called me. That's how I got appointed to that case on the Supreme Court. Judge Bootle said, "Get Manley to do it." I wasn't going to say no. It interested me. I was probably thirty-one years old, with a young family, and trying to get my law practice started, but I came out and talked to Dean Beatty, and I told him what I wanted to do. I discussed it some with O'Neal and decided to do it on the trial book basis. I said, "I'll do it, but I want to do it on Friday afternoon, late." I don't know how many people want to teach on Friday afternoon late, but anyway, I said, "I'll do it on Friday afternoon late because it won't interfere with my work." Occasionally, I would be doing something late on Friday, but normally I had finished. I worked every Saturday, unless I had some reason not to. I said, "Sure, I'll try it." I taught three times a year when I started. Now I'm only teaching it once a year. I designed that course. That was the first trial advocacy course at Mercer. I put it together based on my experience and the way I had been taught.

*PROFESSOR LONGAN:* Talk with us about the trial book.

*MR. BROWN:* The trial book is the outline for your trial, like a blueprint, stating every little thing you are going to do exactly the way you were going to try to do it, starting with your *voir dire*. I never tried to teach *voir dire* because that's a separate subject. You can't really teach it.

You have a table of contents, and you have an exhibit list, which is very important. All your exhibits are logged in and the witness noted who will authenticate them, data like that. You have the information for people you need to contact and witness contacts in a little miscellaneous section. Then, you have a section for your *voir dire* questions that go in your notebook. Hank always said to use a three-ring binder because you can move things around. Sometimes you have to shift things in a trial when something comes up. You do your *voir dire*, and you prepare your opening statement in great detail. You can prepare an opening statement exactly like you want to give it. You don't read it, but you can study it until you can deliver it smoothly. It seems like it's extemporaneous if you learn it very well, you have plenty of time to prepare. You don't always have that much time with a closing argument. You can get caught short on time because of the judge to prepare for a closing argument. You do your opening statement if you're a plaintiff. Then you have a section on "plaintiff's case," and you start with your first witness, John Smith, and you have his telephone number. What's your name and you put his name. Where do you live? You start out and try to end up with every question you're going to ask with something to remind you what the answer is that you're looking for. You go through every one of your witnesses and you integrate all your exhibits into these examinations. I used to flag them. Hank did that too, with something colored so I could spot them. Then you ask all your questions that the law requires to authenticate exhibits. Then you have a notation that stands out to remind you to tender the darn thing into evidence and get a ruling on it. That's laborious, and it takes time. It's easier to take a legal pad and scribble a bunch of notes, but when you see somebody trying a case off a legal pad, chances are you can whip them pretty good unless they have a drop dead good case. If they have a file with a bunch of legal pads in it and gem clips falling out on the floor . . .

*PROFESSOR LONGAN:* Then they're not ready.

*MR. BROWN:* The guy is not ready. I'll digress just a minute. I taught a student named Warnock. He was paralyzed.

*PROFESSOR LONGAN:* Yes.

*MR. BROWN:* We talk to each other occasionally. He's done very well. He practices in Dublin. He said, "I'm enjoying practicing law. I can't do anything much else. I can't walk." He called me one day and said, "I want to thank you again for teaching me about a trial book. I took my trial book to court with me the other day in a criminal case. I had it on my wheelchair, and I rolled up in the courtroom and the D.A. came over and snatched my book." He said, "I know you told us never let anybody see your trial book because it's a private deal." Mr. Warnock said, "It aggravated me but there wasn't much I could do. The D.A. started thumbing through my trial book and said, 'Warnock, come up here to the bench with me.' I rolled myself up to the bench and the D.A. handed my trial book to the Judge and said, 'Judge, look at this. I can't deal with this. I'm dismissing this case. I can't handle this kind of preparation. It just ain't worth it. Judge, I'm just nolle prosequing this case.'"

*PROFESSOR LONGAN:* That's a great story.

*MR. BROWN:* Mr. Warnock said, "I just wanted you to know it works. Yes, I won my case and didn't do anything except put my trial book together."

*PROFESSOR LONGAN:* You've got the direct; you've got the cross.

*MR. BROWN:* You go right through it. You go through your direct; all of it. If you're a defendant, the first thing you do is your cross-examination. You prepare that. You log in in parentheses where to find things in depositions so you can turn instantly to them. The jurors think you're a genius, but the truth of the matter is, you are just well organized. Otherwise, you are flipping around looking for something, and they think you're an idiot. It makes you look better, and they appreciate you not wasting their time. The judges appreciate it. You have a general legal memorandum on the subject you're working with. You have your requests to charge at the end your closing argument. In other words, you just script everything. If you're going to make a motion for a directed verdict, you've got that in there. I even put a copy of the complaint, and I put the pre-trial order in the trial book. Don't put any evidence in there.

That goes in evidence files or boxes. It's really an integrated plan about how you are going to try that case.

Then, in addition to that, after talking with O'Neal about it, I tried to teach the students some Georgia evidence; things that were peculiar in the Georgia evidence regarding trials, so that they would have knowledge of them. There are things like handwriting, if you're going to use a handwriting sample, you have to serve that in advance. You can get called out on it and get embarrassed. That may have been changed now with the new Evidence Code. I taught students a lot of things like that. I went through the Evidence Code, and I taught them how to authenticate documents and how to deal with a lot of evidentiary problems that you run into. I taught them some Georgia evidence and procedure in addition to that, and that's what I tested them on. It helped them with taking the Bar, and it just made better lawyers out of them. I turned out some really good trial lawyers.

*PROFESSOR LONGAN:* I was going to ask you that. At the risk of offending the hundreds and thousands of students you've had, are there a handful that stand out in your mind over the years?

*MR. BROWN:* Yes. I taught Dwight Davis. I taught Chris Clark, who was my partner. I taught Lamar Sizemore, Frank Beltran, and Lin Wood. I would have to look at a list to pull them all up, but I taught probably between one and two thousand students would be my guess. A lot of them are in Florida. I got one of the biggest cases we ever had in our law firm from one of my law students in Florida. It was a plant explosion. The guy who was injured in there went to a hospital in Florida and saw their ad and contacted their firm. Their firm was disqualified, and one of my students was in the firm, and he sent me that case. It was a very, very difficult case. Marc Treadwell, Chris, and I put the case together. I taught Tommy Day Wilcox. Judge Wilcox and David Rainwater were in my first class. There were a lot of really good lawyers. I taught Ruth Garrett; it's Ruth West now. She was probably my best student. She was the first female partner at King and Spalding. Jokingly, I always wondered if somebody had given her my key to my exam. She wrote the answers out, and it seemed like she had every word when she answered my exam. It looked like she had my key. I say that as a compliment. Ruth and I have been friends all these years.

*PROFESSOR LONGAN:* How did the students change over the years? I mean is there a marked difference between one generation and another?

*MR. BROWN:* There is some difference. Practically all the students I had when I started teaching were still somewhat like the ones that I went to Law School with. Everybody wanted to be a trial lawyer. They were real interested in law and what was happening and what the Supreme Court was doing about political issues. They were more tuned in and really interested in what was going on in Law School. You'd have some people who were goofing off and that type thing, but by and large, it was a focused interest. They really were interested in what you were talking about. That's one reason why I kept on doing it, because I enjoyed that. I had a number of people who helped me along in my life, so I thought, "I'm helping these students." That's only fair. You help them get an opportunity.

*PROFESSOR LONGAN:* How did that change over the years?

*MR. BROWN:* Now, I think some students waste a lot of time in class on social media and stuff rather than paying attention. I can tell that from my exam answers. The good students are there, but a lot of them are clueless about some of the answers, which I actually talk about in advance. I usually put a gimme question or two on there, along with one that separates them.

*PROFESSOR LONGAN:* The sheep from the goats.

*MR. BROWN:* Then you have your easy questions, and I basically tell them, "I'm going to ask you a question on this. This is what you need to look at for the answer." I could have made straight 100s if somebody talked to me that way. When they miss it, I know they weren't even listening to me when I was telling them what was going to be on the exam. You have a low level of interest if you don't listen when somebody is talking about what's going to be on the exam. I just think some of them need to be better students. That's one reason for my reading list.

I'm told that you can graduate from college now without taking English. You take maybe one history course. At one university—I saw on the news this week—you don't have to take any math. You take a course in diversity law instead of mathematics. Part of it is just the way colleges have given in to what students want to spend their time on. There's nothing wrong having certain kinds of courses, but you need to learn some fundamental things about reading, writing, and arithmetic, particularly reading. When I went to college, in many courses you took, they gave you a book or two to read. They called it parallel reading. I don't know if that term exists anymore.

They say, "Okay, you take an English course," English composition, which was a wonderful course. I had a professor, Dr. Varnadoe, teaching us how to research something and support a thesis and that type thing, but he also gave us some books to read and he gave us a little quiz on those books. We read *The Scarlet Letter*, classics, well not total classics, but literature written by great authors. You read *The Last of the Mohicans*, James Fennimore Cooper's book. We read *Moby Dick*. It was terrible. What an ordeal to read *Moby Dick*. We had to read *Moby Dick* and take an exam on it. That was the most boring thing ever, but you were learning.

*PROFESSOR LONGAN:* Your sense is these students don't come prepared in the same way?

*MR. BROWN:* I don't think they have read very much real literature. I read my list out occasionally, and I will say this; the students who have read the most over the years are the ones who went to Davidson. I've never had a bad Davidson student. Even if they were a "C" student at Davidson, they were really on the ball.

*PROFESSOR LONGAN:* I'll send this to the Davidson Admissions Department.

*MR. BROWN:* They charge a lot of money to go there, but they really expect them to learn. That's your chance really to learn. You have to study, but the school has got to direct what you need to do. I didn't know what to study when I went to college. I made passable grades in high school. Although, once I went to college, I was in some serious

courses taught by these people, and they were really expecting me to read *Beowulf* and all that stuff and really be critical about it. People go through college and just have a good time. I put three children through college. Two went to the University of Georgia. My daughter, she was an outstanding student, but my youngest son went to Shorter College and played basketball one year. In that small Baptist college, he had the best traditional education, and now he has a master's degree, a great job, and is just doing well. Colleges need to direct you into what you need to learn. That's important, because as a teenager, I didn't have a clue exactly what I needed to be doing.

*PROFESSOR LONGAN:* You're talking about the students coming prepared to enter law school. I want to talk to you about what they do after law school. For most of them, they take the Bar exam. You spent some years as a Bar examiner.

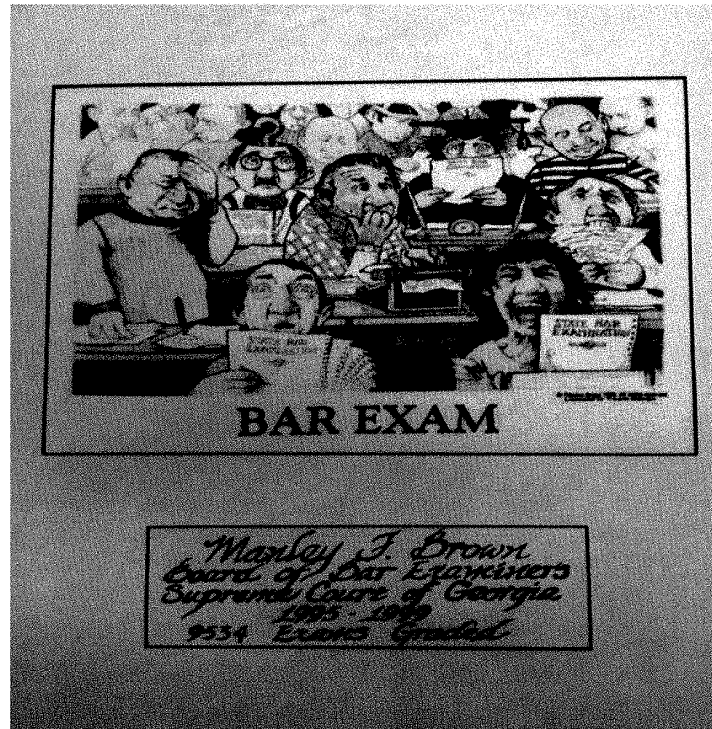
*MR. BROWN:* Five years.

*PROFESSOR LONGAN:* I have a copy of the caricature given to you to commemorate your more than 9,500 Bar exam questions that you graded.

*MR. BROWN:* I graded 9,500 and 34 exam answers, as certified by the Supreme Court, in addition to 44 years of law school grading. I did have graders like Marc Treadwell and Lamar Sizemore who helped me.

*PROFESSOR LONGAN:* I'm going to ask you the same question. Why did you do that?

*MR. BROWN:* I really was too busy to be a Bar examiner, but Judge Willis Hunt, who was on the Supreme Court, called me, and he was sort of like a press gang. He was a good friend of mine and he pressed me into being a Bar examiner. I was always interested in it, but it was a hard job. When I took the Bar exam, there was a lawyer named Harry Baxter. He was a real silk stocking type guy in Atlanta who was the Chairman of the Board of Bar Examiners. In addition to us being scared to death, he walked around and looked over our shoulders while we were taking the Bar exam.



When I was Chairman of the Board of Bar Examiners, we were at the Cloister at a dinner with the Supreme Court. Jean and I were walking, and I said, "Jean, I just thought of something." She said, "What?" I said, "I have become Harry Baxter.

After all these years, here I am Chairman of the Board of Bar Examiners." Recently, Rusty Simpson and I sort of sandbagged Lamar into becoming a Bar examiner. We fixed it where he couldn't get out of it, because I knew he would do an outstanding job. Frank Jones and I did the same thing to get Ruth Garrett to be a Bar Examiner. Lamar was her classmate.

*PROFESSOR LONGAN:* Based on that experience, what advice do you have for students preparing for the Bar?



*MR. BROWN:* The time to start studying for the Bar is when you get to law school. When I took it, there were about 500 or so people who took it, and 95 of us passed.

*PROFESSOR LONGAN:* Wow.

*MR. BROWN:* Now that's a very low percentage. That was in 1964. They seemed to have had a quota system back then. That was before the multi-state. They never passed more than about 30 to 35 percent until people started suing the Bar examiners and they put the multi-state exam in. Then, it jumped up into the 70s and 80s. Judge Bootle gave me a job contingent on me passing the Bar.

*PROFESSOR LONGAN:* That's an incentive. When you start law school, you start thinking about the Bar exam?

*MR. BROWN:* You just study and learn. If you were taking Rehberg's Personal Property course or Conveyancing, about how you convey real estate, or studying the rule against perpetuities, bailments, whatever, those are the sort of things that show up on the Bar. I had a lot of my case books and everything. I went back and just flipped through and reminded myself what I had studied in law school. You're really psyched up when you take the Bar exam. I remembered things I had learned in law school that I hadn't thought about in years, but I was so ramped up wanting to pass that Bar exam that my brain was on fire, and I could remember stuff that I learned in law school. There was a question on the Bar Exam about the Old Dominion Copper Company case word for word. Harold I. Lindsey, our professor, who we nicknamed the Bald Eagle, terrified us. He could be the rudest, toughest guy, but I tell you one thing, you learned in his class or by George, you regretted it. Back then, there wasn't any snowflake rules. You would get a forty and there was no taking it off your record. If you took the class again, you were still stuck with that forty forever. He always said, "Boys,"—I don't think we had any women in our class then—he said, "You see to it you learn this case," and we studied that case for two weeks. We were all just so aggravated. Why are we spending all our time on this? It was a complicated case factually. It was almost impossible to understand, but I'll be darned, I went up there to take the Bar exam and

there it was. People in there were about to throw up. If you had sat in Harold I. Lindsey's class and paid attention and learned that case, it was a gimme. You looked like a genius when you wrote that answer, because you had that thing memorized.

*PROFESSOR LONGAN:* What about in that final stretch? We have students preparing for the Bar exam about a month from now. In these couple of months after graduation but before the Bar exam, what advice do you have?

*MR. BROWN:* The number one rule is when you study for the Bar exam, do nothing else but that. You cannot do something else during the day and study for the Bar at night and be assured of passing. You need to get up every morning about eight o'clock, study, take you a break, and get some lunch, and then study until the end of the day, until five or six o'clock.

*PROFESSOR LONGAN:* Treat it like a job?

*MR. BROWN:* And then, quit for the day. During the evening, or maybe when you're laying in the bed going to sleep, kind of think, "What have I studied?" Try to review what you've studied during that day, and just run it through your mind. It reinforces it. That's how I did it. I studied all day, and then when I took the Bar exam. It was two and a half days back then. After I finished the first day, I had a better idea of what would be there on the next day. I couldn't sleep anyway, so I would refresh. By the last day, for instance, we hadn't had a partnership question. I thought, "They're going to ask that," so I went in there and pulled out my partnership stuff, and I just got all that straight in my mind. Sure enough, there was a partnership question. You had to know all these rules of thumb that you used to evaluate whether it is or is not a partnership. Of course, you can just ace that. This was a pretty easy question because I knew the answer cold. It's easy if you study. The law is not necessarily logical. It's not logic always. You have to know what the law is on any given subject.

*PROFESSOR LONGAN:* Yes.

*MR. BROWN:* You really have to study seriously and not fool around. You have to have a serious attitude about it. If you do, you'll pass the Bar. Our little mentor group has helped the students by making them feel better about themselves and showing them how to write a Bar exam answer. Writing for the Bar examiners is different from writing for a law professor, particularly the MPT. It's a one-sided thing. You don't write both sides usually. Everything you need is right in front of you. Judge Treadwell does it in his class, and actually gives them a Bar exam question in an MPT format. He gives them some materials, and it's helpful. A student has never seen that format where you get a file and everything you need, including the cases and the law. They see something they've never been confronted with and the methodology used to answer it, and they freeze and don't do very well. We initiate them into the MPT and make sure they have that clear in their mind. We have helped some people pass the Bar who might otherwise not have done it. I think law schools are going to have to buy into helping the students that way. This some time idea that, "It's not our responsibility to help people pass the Bar," doesn't sell very well.

*PROFESSOR LONGAN:* Let me move you for just a second from entering into the profession to something that I think many lawyers who do what you do would consider the pinnacle of their profession. You were voted into the American College of Trial Lawyers at a relatively young age.

*MR. BROWN:* I think I was forty-four.

*PROFESSOR LONGAN:* That's a tremendous honor. What did that mean to you?

*MR. BROWN:* It meant a lot to me because Hank was in the American College. He was about the only plaintiff's lawyer around in these Middle Georgia counties ever to be in there. Marc Treadwell made it before he became a judge. Georgia is heavy on the defense end. There were not a lot of plaintiff's lawyers in the College, at least at that time, so it meant a lot to me. Hank, of course, had passed away, and I knew some of the people who helped me. He had planted the seed for them to help

me to get in when I was forty-four. It was 1985 because I was actually inducted in London. It helps your business, too. You're in a directory, and let's say an American College lawyer in Cleveland has somebody who's hammered on the Interstate, and they have a serious case. The first place they look is in that directory. There are like forty-some-thousand lawyers in Georgia and there are a hundred and twenty-five or so in the American College in Georgia. That's a small group. There is even less in the National Academy of Trial Lawyers. When I got in, there was only like twenty of us. That's how I got that case involving the Geronimo headdress solved. I looked up somebody I knew to help a man I knew out of that jam by finding a lawyer in the International Academy who turned out to be one of President Eisenhower's grandsons or great-grandsons, who had been the U.S. Attorney, and he handled it. They use those directories. I didn't get a lot of cases that way, but if I got one, it was substantial. It would be something of a serious nature.

*PROFESSOR LONGAN:* We're going to talk in our next segment about your family. I'm going to invite you to give us any final reflections, but I want to ask you one last question about law practice. You talked about advertising and how that's changed things. Other than advertising, how have you seen the practice of law change? What are the biggest changes you've seen, for better or for worse, in your fifty years of practice?

*MR. BROWN:* Discovery is a lot easier now. That's one thing about computers and databases. For instance, the American Trial Lawyers Association (ATLA), not to be confused with the American College, started databases years ago collecting information. Different people had libraries. They would collect materials on different corporations, like the Wal-Mart library, I was talking about. It took a lot longer to get the information. Most law firms have some people who really understand computers. If you give them a subject, it's amazing what they can find out.

Chris Clark and I had a real serious case where Lone Star Trucking Company dropped a twenty-five ton press off of the back of a truck. It fell off the truck and hit this car with three Georgia Southern girls. Two were killed, and it seriously injured the third one. It was awful. You just couldn't hardly bear to look at it. Within two days, we downloaded

everything from Lone Star Trucking Company. We downloaded so much they realized what we had done and they closed their website. It was too late. We had every bit of it and were able to get a heads up because we had to search for enough solvency. Fortunately, they had a CEO with a good heart. He was devastated by that and cooperated in getting it resolved. They just hired this truck driver, and he was a bad man. He should never have been driving that truck. These girls were just finishing college; beautiful young women. It happened right up here on the Jackson Short Route going toward Monticello.

You can use computers to get all this information, find out corporate identities, and who should be served and all this. It has revolutionized the practice. It creates a tendency to make lawyers a little lazy because it's easier. You can give a paralegal something to do, but that doesn't relieve you of the responsibility of keeping up with that and being sure it's getting done. There's still a lot to do in those cases, but you can find things out quickly. In the Armstrong dust explosion, that took a year and a half to really find the crucial documents.

*PROFESSOR LONGAN:* Somebody still has to read them.

*MR. BROWN:* Oh yes, you have to read them. It doesn't do any good to bring them in and stack them up on the floor in your office. You have to read them and put the case together.

*PROFESSOR LONGAN:* That hasn't changed?

*MR. BROWN:* No, that hasn't changed. You have to do that. It's basic blocking and tackling, but you have a lot of technological things that you can use. I can remember the first fax we had. The first Xerox machine was bought in the U.S. Attorney's Office while I was working there. It was a huge machine, and it sounded like the description of Pentecost in the Book of Acts in the Bible, a great rushing of wind. When it finished all that noise, out came one piece of paper. We all went, "Whooo." Prior to that time, the secretaries had to make twelve carbon copies of every document, and if they made a mistake, they had to erase twelve times, so that was a miracle for them. Now ours will make a hundred copies of something, put it together, staple it, and fax it for

you automatically. The technology helps. I haven't written a letter in I can't remember when. I send E-mails.

*PROFESSOR LONGAN:* E-mails.

*MR. BROWN:* I communicate a different way so we don't use letters. It saves on postage tremendously, and it saves on time. We would have so many letters that you would have two people to carry them down at the end of the day when we had a lot of lawyers around there. Now, that's in the past. Technology is the one big thing that's changed, but you still need to study the law. A lot of research is done online, which makes it harder for me. I learned to do it another way, and I still double check because a lot of things don't get picked up. I was in a couple of cases—one of them was that mule train case—where I found the case we needed. The computer missed it. I looked under a statute and found this case in the pocket part; the one we used to model our whole theory on. They said, "Where did you get that case? We don't know anything about that case." I said, "I went over there and got that book off the shelf and looked in it, and there it was."

*PROFESSOR LONGAN:* An actual book and there it was. You have been doing it over fifty years. I know you have been trying to retire, but you haven't succeeded in that. Are you still enjoying it?

*MR. BROWN:* I still enjoy it. I work probably sixty percent of the time. I am doing some other things. I've spent a good bit of time writing on some things that I have monkeyed with for thirty-four years. I like writing on something where I can decide how it comes out. That's more fun than anything else. I do some consulting work, and I help other lawyers with some cases. I helped in some real serious cases recently, but I serve more as a quality control type guy. I worked pretty hard this year. I worked the first six months probably four or five days, sometimes five or six days a week, sometimes like I used to, but I try not to do that. I try not to work on Friday. I used to work every Saturday until about two o'clock. Tomorrow, I'll stay home and write, or whatever I want to do in that regard, get some exercise, and do some things I need to do and enjoy the down time. Sometimes I go to North Carolina and stay a week or so and visit my friends and relatives up in the mountains.

*PROFESSOR LONGAN:* Manley, we have spent a lot of time talking about law and law practice and cases, but your life has certainly not been just about the law. You have had a rich personal life and a rich family life. I want to take this time and give you a chance to talk about that and talk about the people who have been so important in your life.



*MR. BROWN:* I appreciate the opportunity to do that. I made a command decision in my life early on. I've practiced law very hard during my lifetime, but I never took up golf or any hobbies I couldn't do with my family. Actually, my hobby was basketball. I played so much basketball with my kids that it broke the driveway up. The harmonic vibration cracked it. I had to spend \$10,000 to put in a new driveway. I'm sure the neighbors must have gone nuts listening to that basketball, but my youngest son, Matthew, played on Mount DeSales' first two State Championship basketball teams and played one year in college. He was a really good basketball player. He was tall and could really shoot. He didn't have a big tough body. He finally got beat to death at the college level, but that's what we did. When I went home, I spent time with them and took them to the park and relieved my wife from having to deal with them.

I have some photographs, and I want to include them in this. The first one is of my immediate family. This was my young family, Jean and

me with our children, Phillip, Kathleen, and Matthew. Phillip graduated from the University of Georgia. He has a law degree from Mercer Law School and now practices law with me. He is married to Julie, a special education teacher, and they have two children, Catherine and Harrison. Kathleen has a Ph.D. focusing on Autism from FSU and taught at Western Carolina for a while. She lives in Lexington, Kentucky, and now works in a clinic that, among other things, sees pediatric speech and autism cases. She is married to Josh Pierce, and they have one son, Jackson. Jackson has been her primary object over the last ten or twelve years. Matthew, who was my redheaded child, was a lot of fun, and I took a lot of ribbing about my redheaded son. He has a master's degree and works at Western Carolina, my undergraduate alma mater. He's in the Human Resources Department. He has a very responsible job, and he knows more about ObamaCare than anybody I know; any lawyer I know. He is married to Megan, who is a high school athletic director, and they have three children, Matthew-Manley, Bennie, and Lucy, who is named after my mother. He does all the benefits for about fifteen hundred employees. It's a very demanding job.



Now the next photograph is of Jean and me and our six grandchildren and their parents. We took this at Jekyll Island, where we rent some houses once a year. My wife came up with that idea a few years



ago. Everybody comes and we have a very good time together for a week. The kids swim, and we go out to eat. It was a good idea, and we have a good time doing that. This one is our entire family, and a similar one at Christmas services at Cullowhee Baptist Church.



Here's a picture of my English teacher wife and of me when I was inducted into the American College in London. They're separate pictures. I took a picture of her, and I guess she took a picture of me. I'm reminded how skinny I was and how much better looking she was than I was, but those two pictures were taken while we were in London in 1985.

*PROFESSOR LONGAN:* Big occasion.

*MR. BROWN:* It was a big occasion. It was really an interesting time.

Here is a picture of my mother-in-law and father-in-law. This is the man who helped me cut the tree up. He was a wonderful person. You couldn't have had a better father-in-law. That was my wife's mother. She actually cut a tree down herself at one time. Glenn wouldn't cut a tree down at their house, so we went home for a visit and this big Locust tree was on the ground and we said, "Glenn finally cut the tree down?" She said, "No, I chopped it down with an axe." She was only about five feet tall. She said, "I fell off the bank one time while I was doing that." She was really tough, but she grew up working hard, and he wouldn't cut the tree down with his power saw so she just cut it down with a double bitted axe.



I have a picture of my three favorite uncles. I have a lot of uncles. There were nine boys in the family, so my father had two sisters and eight brothers.

This is one my Uncle Griff. He lived to be ninety-six. He never went to see a doctor until he was in his sixties. He told me, "Manley, I went to see this doctor when I was about sixty-five. He charged me \$30, and I ain't never been back." He had a ruptured appendix when he was in his nineties. They called and told me he was terminally ill. They gave him some penicillin, and he got better immediately. He went back home and lived for another four or five years. He was my daddy's brother, and he was an interesting man. I used to watch him drive horses. Men back then logged with teams of horses. It was frightening. As a little kid, I would sit on the bulldozer with my Uncle Clyde and watch them pull logs, sometimes with the horses. Their eyes would look like they were wild because they would be working so hard.

*PROFESSOR LONGAN:* Straining so much?



*MR. BROWN:* Yes, straining making them work. It was an exciting thing to sit there and watch, but men then were real masters at that kind of thing. You had to be quick or you'd be non-existent.

These are my twin uncles, Clyde and Clarence, and this is my older brother who is deceased now. They were fraternal twins. The one on the left is Uncle Clyde. I lived with him for many years, and he was like a father to me.



This is an interesting picture of some friends of mine. This is a trip to Disneyland. It's Judge Tommy Day Wilcox. This was on a trip with Judge Wilcox, his wife Cindy, Jean, and I that we took to California for about two weeks. Among other things, we got caught in an earthquake in California. We had this wonderful trip for about two weeks, including the earthquake experience.



There's a picture of my friend, Bob Hicks, who we did an oral history of in the *Journal of Southern Legal History*. Judge Treadwell, Judge Wilcox, and I went to spend the day with him recently. He's ninety years old, and a wonderful man. He was really delighted to see us. He started his career out as a lawyer helping Eddie Rickenbacker, who was a great world class hero, a World War I Ace pilot and started Eastern Airlines. Hicks was Eddie Rickenbacker's lawyer. He said, "Well, I was just carrying his briefcase." Hicks worked on aviation issues having to do with routes. He worked in New York on Wall Street for routes for Eastern Airlines for Smythe Gambrell and Eddie Rickenbacker. Hicks has been a wonderful friend of mine. He's actually a cousin of Hank O'Neal's.

*PROFESSOR LONGAN:* Is that right?



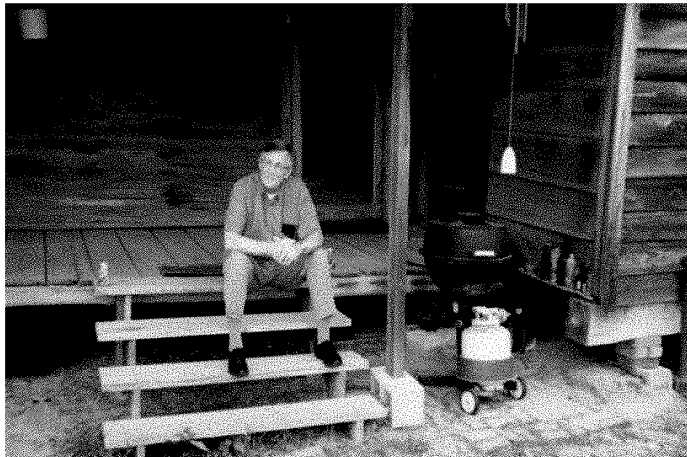
*MR. BROWN:* I never got to know him until after Hank died, and since then, we've become fast friends. You can see the gene that they have. They are just wonderful, ingenious lawyers. Hicks has read everything. He's out read me. He even had me reading *Will Durant*, which is the worst, deepest, hardest thing to read. I finally read his summary of history instead of reading his main books. But Hicks is sort of a polymath. Hicks was in the Merchant Marines, and he understands navigation, and he's read everything. He and Hardy Gregory and I are friends. We all read a lot of books, and it's hard to find somebody who wants to talk about that kind of thing. They want to talk about something else.

This is a picture of Hardy Gregory, my friend, who brought the dog to the courthouse for me. He was a graduate of the Naval Academy and finished Mercer Law School behind me. He was four years older than me, but he went to Law School behind me because he was in the Navy. He lives down in Vienna now and is semi-retired. He was on the Georgia Supreme Court for about ten years. He was a very successful lawyer. Everybody loves Hardy. Everybody who knows Hardy Gregory is fond of him.

*PROFESSOR LONGAN:* Yes.



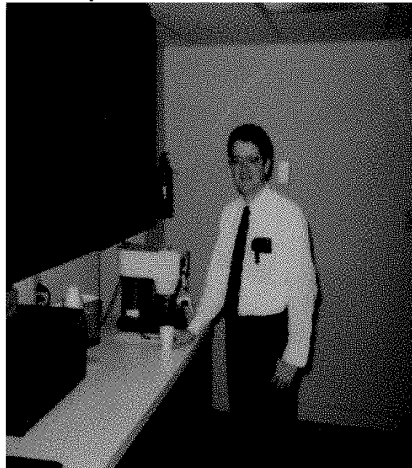
*MR. BROWN:* Here's a picture of the three of them down at Wilcox's place, where we used to have a little gathering. Everybody is getting a little old now; some of the older guys don't do it anymore. We used to meet twice a year, once in North Georgia at Hicks's farm, which he has now sold, and then in the Spring, we would meet down in Wilcox County at Judge Wilcox's. There were about seven or eight of us; some lawyers and judges, and older people who knew each other. We liked each other's company, and I miss doing that. That's a picture of Hardy



Gregory sitting at Judge Wilcox's great-great-granddaddy's farmhouse in Wilcox County. His grandfather was there when the Indians were still around.



This is my wonderful friend I've known since he was in the eighth grade who teaches at the Law School and wrote the "Georgia Law of Torts" book that all lawyers and judges use. I call him Little Charles Adams because his daddy is Big Charles. He is a true genius friend who I have known all these years.





This is another one of my students who was my law partner, Jarome Gautreaux is in it. Jarome was my son's best friend in high school when he went to Mount DeSales. A lot of people don't know about Jarome. Jarome was a world class high school basketball player. He was unbelievable. He could jump through the ceiling. They should have won the first State championship. They got to the finals and lost. My youngest son came along and played on those two teams that finally won the State championship. This is David Rainwater, my student and lawyer friend. David and I probably did twenty-five cases together. We did the Taco Warmer case and had an especially good time. David is still practicing and doing very well.



This is Martha Christian. She was an outstanding student. She was a former schoolteacher and then went to law school. She practiced law with us. I always told Martha she was brilliant, but she didn't know how to make coffee. She would make coffee and wouldn't put any coffee in it or wouldn't put the water in. I would come to work and there wouldn't be any coffee in the pot. She'd leave out either the coffee or the water, but other than that she was outstanding. She went with me and helped me write the brief in the case I argued in the Supreme Court. I enjoyed that. We are the best of friends.

*PROFESSOR LONGAN:* Later she served as a Superior Court Judge.



*MR. BROWN:* Yes. She is retired now and works as a Senior Superior Court Judge in Clayton, Georgia, in that circuit, up in Rabun County. She and George live up there. They have a place in that county. I don't see them much anymore. George was also my student. He is the D.A. in that circuit now.

Here are two of my friends, Danny Studstill on the right with the sunglasses. That was his and Justin's case, the mule train case. In the middle is Rusty Simpson, who was my law clerk in the U.S. Attorney's Office. He went to Mercer. Rusty and I probably did fifty cases together. We are fast friends and almost like blood kin. We have a wonderful close relationship. In this photo, we were working on a railroad case down there. I have my big old heavy coat on, so it must have been cold.

*PROFESSOR LONGAN:* It looks cold.

*MR. BROWN:* It was cold.



That's a picture of my son, Phillip, Chris Clark, and in the middle is Danny Ray. He was an Ex-State Trooper who did a lot of work for me. He was the toughest guy you would ever want to meet.

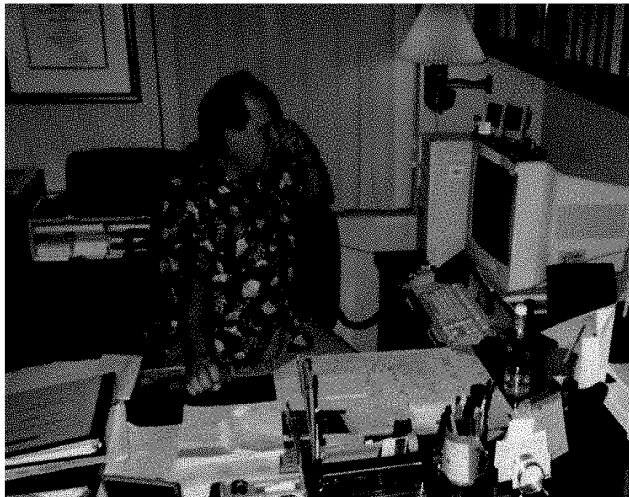


He died about a year ago suddenly from a heart attack. I loved Danny. I keep his picture sitting on my desk. He knew everybody, and he could just find out anything. He was just so charming and so big that nobody could refuse him if he wanted to talk to them.



Here's a picture taken in a junkyard somewhere with some lawyer friends of mine, David Husky, Chris Clark, and me. We were working on a case where a garbage truck from Fort Lauderdale killed some people on the Interstate. They tried to drive all the way from Fort Lauderdale to Atlanta on recaps, which is forbidden. You're not supposed to drive more than fifty miles. The truck blew a tire, came across the median, and killed an elderly couple. Those lawyers were from Fort Lauderdale. They called me about that case, and we helped them handle it. We would always take pictures when we would go to junkyards looking at wrecked cars.

This is Tracey Dellacona. Tracey and I did a lot of medical malpractice cases together. I probably did over a hundred in my lifetime altogether and tried ten or twelve to verdict. I've tried some that she wasn't involved in, but Tracy and I probably tried five or six medical malpractice cases, which is like trying thirty of some other case. They are the most difficult cases of all to try.



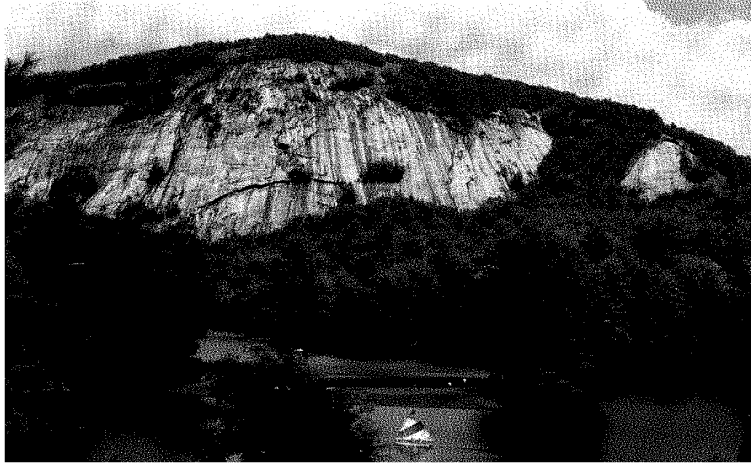
This is a picture of Mike Cranford. He used to be on the City Council. He became a lawyer. I first taught him at the junior college. Sadly, he has passed away. He was a great lawyer friend.



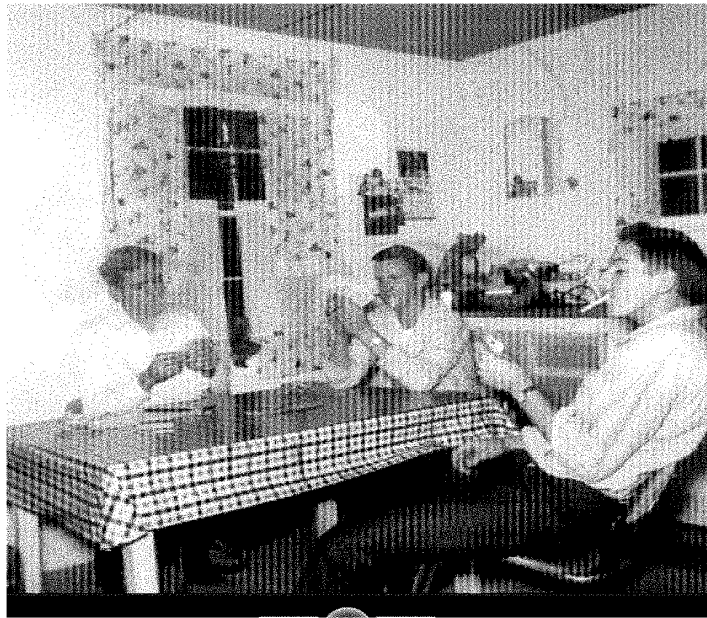
This is a picture of my current Sunday School class. I taught a Sunday School class at Vineville Baptist Church for fifteen years. Then we started a new church. All the people in my class, I don't know if it was my teaching or whatever, but they all left and went to the other church. They all wanted to go to the new church, and I didn't want to go out there. Most of them are older than me. People like Marvin Snow, Monroe Hill, John Hughes, Harold McAfee, and Billy Woodward. The others are deceased, but that's some of my Sunday School class that I really enjoy seeing every Sunday. We all know each other really well and like each other. It's enjoyable to be with them.

I worked at High Hampton Inn in Cashiers, North Carolina for seven years going through school.

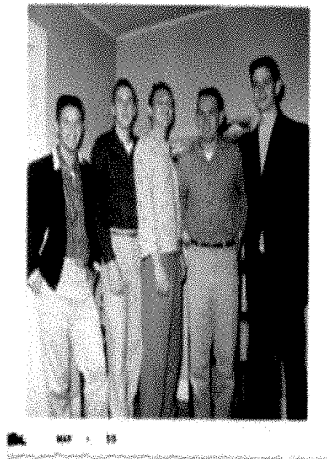
This is a picture of Rock Mountain and the lake where I used to swim. That Wrangler ad on television with that beautiful mountain in the background, that's this picture. It was taken at High Hampton. It was actually my home. I lived there in the summer after my mother passed away.



When I wasn't in school, that's where I lived. They treated me really well. I had every job from busboy to assistant manager. I knew as much about that place as anybody.



These are some of my friends that I grew up with. It was a wonderful card game. We would sit up all night. There we are, all of us with cigarettes hanging out of our mouths. Bud Crawford and Don Williams. We would sit there and play Rook all night. Both of them have passed away.



At the end of the day you realize that your oldest friends are a real emotional treasure, particularly if you have been able to keep in touch with them over the years, as I was able to do. Here are two more photos of my close Cullowhee buddies, three or four were ex-Marines. For some reason many of my friends were older than me and had been in the military. I am not exactly sure why that was. Shown in the photos are Jerry Stephens, Angus" Little Bull" Tolbert, Ben Denton, and Danny Nix (A.W.C.U. student from Burlington, North Carolina). E.V. Gouge, another W.C.U. friend, is missing from my photos, maybe it was modesty on his part. E.V. had great stories of his life on an aircraft carrier while in the Navy. He even got along well with my Marine friends. We met on a basketball court and became friends initially because of our mutual love of that game. We still stay in touch and enjoy visiting. Harold "Tub" Denton (one of the Marine crowd) was a very tough but absolutely lovable guy. He tried to teach me how to ride his motorcycle but it was impossible. Tub was a very loyal friend and a great fishing pal. He "talked" fish on his line.





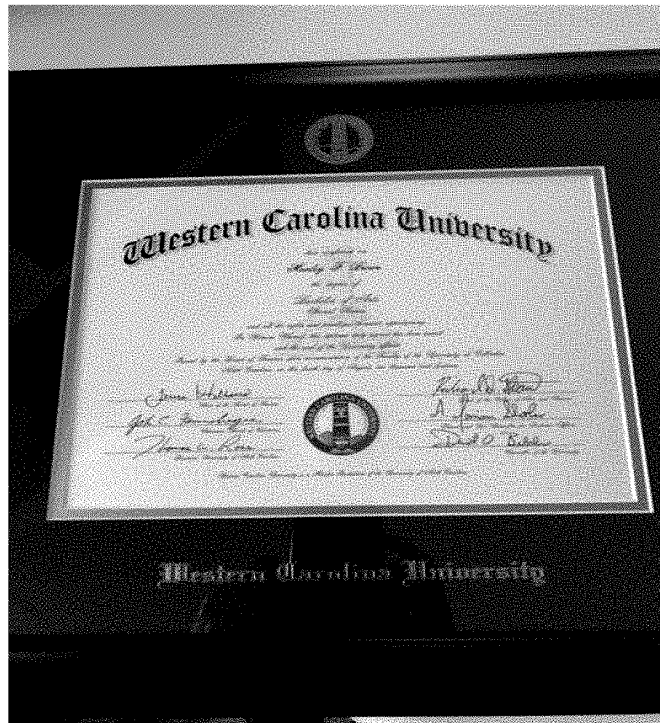
This picture is a peaceful looking thing. One thing I like to do is trout fish. My favorite fishing hole of all time is depicted in this picture, which is Paradise Falls at Wolf Creek. I have a home at Neddy Mountain, North Carolina, on some property that was owned by my grandfather at one time, and my cousin owned it for a while. Now I own it, and have a house there. Don Williams is the guy I was fishing with. We caught probably forty trout out of that hole at the bottom of the falls. You have to be an athlete to get in there. It's a very dangerous place to go. We had to trim a trail to get in there and come out below the falls. If you try to go down over the Falls, you can have a bad outcome.

I want to be sure I mention some other people to thank. I've had a reasonably successful professional career. What I did was satisfying to me. I probably could have done some things differently. I could probably have made more money practicing routine law, and not fencing at so many windmills just because I just wanted to do it. I have enjoyed having the freedom of being a lawyer. I think a lot of today's generation came from a family with other lawyers, so it doesn't mean quite as much. It meant a lot to me to be a lawyer. I want to be sure to thank my mother. She's not alive for me to thank her face to face, but she was my inspiration by stressing the need to get an education and to read these books. She worked hard to give me a chance to succeed. I want to thank my wife, whose picture I mentioned earlier, who was an outstanding student in college, graduated with honors, and was an English major,

which is not easy. I want to be sure I thank her on the record, because I learned from talking with her that the way to find good ideas for arguments was out of poetry. It's probably the most fruitful source of ideas I ever used. Poets are oddball, eccentric people, but they're usually the smartest people around. She would find poetry about what the life of a child is worth, or what it's like to be a young child, like "Barefoot Boy." I used that in one case. I remember Judge Johnston told me in the Baby Sanders case, "Manley, that's the best explanation of the value of an adolescent child I've ever heard in thirty or forty years on the bench." My wife came to me with that poem. It explains what it's like to be a ten, eleven, or twelve-year-old with the things they like. It served the purpose well, and I used that. A lot of other people have borrowed that argument from me, but I have my wife to thank for coming up with the inspiration for that and a lot of other things that were positive in my life.

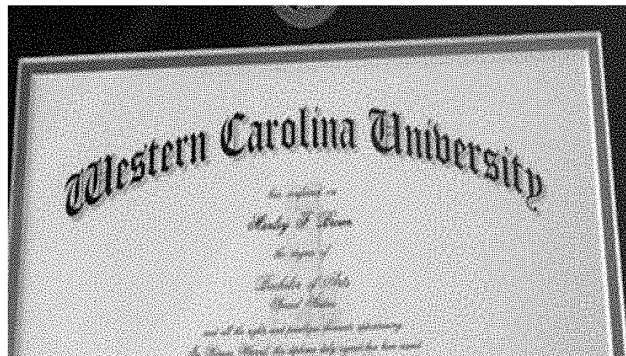
My students ask me, "What do you do to plan for success." I say, "Well, try to marry somebody who is patient with you and will let you practice law." Jean and I had three children. They had a lot of demands. When we had our third child, she basically decided she would look after the kids and I would concentrate on trying to make our living. She looked after them and didn't complain about doing it. If she knew I was going to be late or I would call her or whatever, she never complained about that or caused me any difficulty. If I had to travel, it wasn't a problem. A law practice just doesn't fall due at times that are necessarily convenient. It's like practicing medicine or something. You have to do what you do when you need to do it. If you're in a trial, you have to be in a trial. If the kids had to have a stitch, she took them to the emergency room, and they got a stitch. If they needed a spanking or something, she gave it to them. She didn't wait for me to come home. She took care of the children, fed them, and looked after them. When I was there, I would take them and give her a break from them. She was a real benefit to me in my career. We've been married fifty-four years. I told my students that, and they gave me a standing ovation. I don't think they had ever heard about anybody who had been married fifty-four years. I think that was a shock.

Of course, the professors at Western Carolina University gave me a very good education. I could live right there at home and go to school for \$90 a quarter. One professor, Max Williams, had the best education of anybody I had ever seen. I thought, "I want to have an education like Max Williams." I'm still friends with him. He's in his eighties now. We became friends and have remained friends through all these many years. He and an English professor I had named Varnadoe taught me how to write a meaningful answer; how to write and support an answer. I used the same format for writing my Law School exams. I used it to teach the people I schooled on how to answer a Bar exam question. That was a good thing for me, and I have always been grateful for the insight they gave to me.



I have here a photo of my Western Carolina University diploma. It is an unusual document and probably sui generis. The second photo

is a close up of the name of the degree which I received: “Bachelor of Arts Special Studies.” The date on the diploma is August 4, 2014, fifty years after I finished law school. My WCU professor friend, Max Williams, and his protégé Dr. Richard Starnes, the WCU Dean of the College of Arts and Sciences, were able to secure my diploma by a transfer of some of my law school credits in business related courses to make up for the last year at WCU which I had skipped to come to Mercer to law school. Richard told me that there was a stack of waivers two inches thick, all necessary to make it legal. What a wonderful gesture. Thank you Richard and Max. And thanks to my son Philip who persuaded the law school to release my transcript information to them.



Of course, a lot of college professors were a little scatter-brained. You had to work hard to figure out what it was they wanted you to do. What they wanted to teach you, and being a really good teacher is an art. It's not how smart I am, but can I impart something to this student that they will really know they have learned something and didn't go away thinking, "Boy, that guy is smart, and I couldn't understand anything he said."

I have mentioned a lot of my special law friends. Alex Davis was my best friend in Law School. Alex has been dead almost twenty years. His son, Eddie, practices in Taylor County now. Alex actually tipped me off that Judge Bootle needed a law clerk because he was Judge Bootle's law clerk. He and I were very close friends. He was really a farmer at heart, but he was very smart. He looked like the consummate country guy and talked kinda like him, but he was really a brilliant guy. Judge Bootle loved him. He was a year ahead of me. We roomed together

some and studied together. We would study on Saturday night, go get something to eat, come back, and study. To have somebody who was interested in what we were doing was a great help. We had a lot of cases together, and we were close friends. Unfortunately, he got lymphoma when he was about fifty. He raised cotton and always worked on a farm, and he sprayed a lot of chemicals and everything. They told him they thought that might have been the reason he got lymphoma. I went and spent his last day with him in the hospital over in Columbus.

Lee Rampey was another friend of mine who has passed away. I admired Lee because he volunteered to work in the U.S. Attorney's Office as a law clerk for free. Floyd Buford said, "I have some guy named Lee Rampey who wants a job to be a law clerk. He saw that you could do that if you'd volunteer and if you waived the salary. I don't know about somebody who wants to work for free." I said, "I'll tell you what, Buford, you give him to me. I'll take him. If he wants to work for free, send him over here." Lee came to work for us for free, and we became fast friends. He helped with the Rabinowitz case I argued in New Orleans on that retroactive issue. He went from being a non-compensated law clerk to later being the U.S. Attorney, appointed upon Sam Nunn's recommendation. That was a great story. Lee died suddenly from a heart attack just a few years ago. He was a very close friend of mine.

Lamar Sizemore, Jr. was my student, and he practiced law with me for twenty-some years. He was a great law partner. We got along very well and traveled constantly. We drove thousands and thousands of miles and took hundreds of depositions. We would go to work every morning, get a cup of coffee, sit down, and say "What are we going to do today?" Chris Clark and I did that a good bit, but most lawyers don't want to do that anymore. They think, "I don't want to get pinned down, so I won't have to do anything today." Lamar and I would sit, and we would figure out what we were going to do next. We would concentrate on our bigger cases and try to get them done. That was a great time. Lamar turned out to be a great judge. I hated to see him go on the bench, but I think that was a wonderful experience for him. He is still my close confidante and friend.

I have mentioned Chris Clark a lot in this interview. He took over my course at the Law School. He and Lamar are together now. They both meant a lot to me personally and professionally. David Rainwater

and I had a great relationship. Frank Beltran in Atlanta was my law clerk and my student. He's very successful.

I had a lot of law clerks from Mercer. Thomas Burnside is now a fine attorney in Augusta. He helped me put on complicated evidence in a battery explosion case. Smart and dependable. The Mercer law clerks meant a lot to me.

I spotted Judge Marc Treadwell as a young lawyer. He was head and shoulders above most of that generation of lawyers. He and I worked on many cases together. We became very fast friends.

Marc and I got along very well. We're still very close friends. Tommy Day Wilcox was in my first class. I helped him get his first job with John James. We've been friends all these years. We've traveled on trips together. I'm friends with his wife, and they're friends with my wife. We've had a long, good relationship.

I also want to especially thank my lawyer son Philip for his loyalty to me personally in so many ways since he came to practice with me. Of course, I love him, but his support to me personally, and in our practice, is a great emotional as well as a professional blessing. He owns the law firm now and works extremely hard to keep the practice going and to look after his family.

No lawyer ever succeeds without the loyal assistance of a highly skilled group of secretaries and paralegals over the years of his practice. I was truly blessed in that department. Their number was not large, but they were all top of the line. They worked very hard and made many sacrifices to help our law practice function at a high level. I am going to mention them seriatim, trusting that I have not missed anyone.

Julia Pinkerton was my first personal secretary. She worked in the U.S. Attorney's office in Macon when I came to work there after my time with Judge Bootle. The Judge shared "Miss Nita" with me. Julia skillfully guided me as I began learning how to actually practice law. She was from Eatonton, Georgia and had the wonderful skill of organizing everything to within an inch of its life. I have always liked that. It makes a life in the law so much better.

Gail Harrison was my first secretary when I came to the Adams, O'Neal firm. She was always dressed like she had just stepped out of a ladies fashion magazine. Our clients loved her. Many years later she was kind enough to come fill in as our receptionist from time to time at O'Neal Brown.

Angela Rollins and Lael Smith were sisters and both worked with me at different times. As I remember, they both earned college degrees while working and were straight “A” students. They also did straight “A” work for me. Lael and her husband rode the train to Washington to see me argue the *Webb v. Webb* case in the Supreme Court. That is loyalty of a high degree.

Donna Bush ran the show in our office for Lamar Sizemore and me during the hectic weeks following Hank O’Neal’s death. She was the greatest multi-tasker I have ever known. She helped us survive that crisis with her inexhaustible energy and nerves of steel!

Diane Moore worked with me for about twenty years before she left to get married. She was very bright and very interested in how the law functioned. She had the perfect aptitude for a paralegal and especially learning how to prepare drafts of documents. Diane helped me with many very complicated cases. She still works as a paralegal at the Jones firm here in Macon. A few months ago, in her capacity of grandmother, she sent me a photo of her daughter’s beautiful new baby girl.

Laurie Kennedy did not work for me for a very long time, but we got along splendidly from day one. She did excellent work for me, including foraging around from time to time for me some Masters tickets, and harshly getting me a refund one time from someone who tried to run a ticket scam on us. As a bonus, Laurie was a “reader” in a class I always wanted my law students to acquire. I enjoyed talking to her about the books she was reading. She longed for a Mustang automobile. When she finally got her wish, she called me and later came by and gave me a ride in it. It was great to see her so happy. We stay in touch on face book and are still good friends.

April Westmoreland was with me for only a short time. She now works for a large law firm here in Macon. She was a supreme expert when it came to medical records. We talked a lot about her three girls that she loves so much. She was notable for having a personal photo taken as a young child with the famous Boss Hog on Dukes of Hazard. That fact alone endured her to my family, big all time fans of that show.

Cecilia Robinson helped me out on kind of an interim basis. While her primary interests were in areas more noble than the law, the work she did for me was of a high quality and she was a pleasure to have in our office and to talk to. Her husband had been a career officer in military aviation, and I admired the great job she had done in caring for their three impressive children while he served our country in a very hazardous undertaking.

Julie Carter still works with us part time while working almost full time for another firm here in Macon. She has been a part of our lives, as older lawyers used to say, “from a time to which the memory of man runneth not to the contrary”! She was supposed to be our bookkeeper. She, however, expanded to paralegal and at times a pinch hit secretary. She was at her best in helping us prepare for trial and, sometimes, going out of town to help us with the many logistical tasks of litigation in action. Her value to all of us is incalculable. Her genius husband Kevin has solved many problems for us with his mind and capable hands. They were both superior college students. Their son Matthew inherited their intelligence and their positive view of life. He is graduating this year from the Air Force Academy as an outstanding student and has been accepted into flight training. What a great family!

Finally, Bernice O’Neal, Hank’s wife of many years who worked at the firm even after he passed away. She was our bookkeeper and Decorator in Chief until she retired. She passed away a few years ago, well into her eighties. Bernice always made sure that our law firm looked first class. Thanks to Bernice, we felt as if we had the best looking place in town. She was an institution. We loved her and she loved us!

I guess the last thing I want to do is be sure I put on the record my appreciation for what Mercer Law School did for me. Mercer did more for me than I will ever be able to do for Mercer by giving me a chance to come to Law School and financing my last two years with a scholarship, without which I would not have been able to finish Law School. As I have said, coming to Mercer was like studying law at a monastery. That’s the only analogy I can think of. It was just this peaceful place in this real academic looking setting where I could do what I really wanted to do, which was to try to learn how to be a lawyer. It was almost providential and a perfect place for me. The two ladies who worked in the office treated me like I was a member of their family or something. Of course, I was there in the Law School all the time and they were really courteous to me beyond belief, which I deeply appreciated. One was Janice Chappell, who I cut the tree down for. The other was Georgia Albritton. We were very good friends all the years I was teaching. That kind of thing never goes away. All the Mercer Law School people I have known for the forty-four years I taught trial advocacy treated me with the greatest feeling of friendship and respect. What a wonderful gift!

And last of all, I want to thank all your group for helping with this oral history. You sat here and listened to me patiently for three days. That’s a real sacrifice.



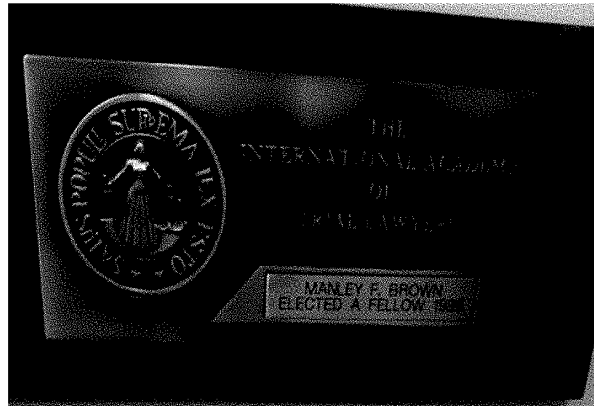
*PROFESSOR LONGAN:* Manley, it's not a sacrifice at all.

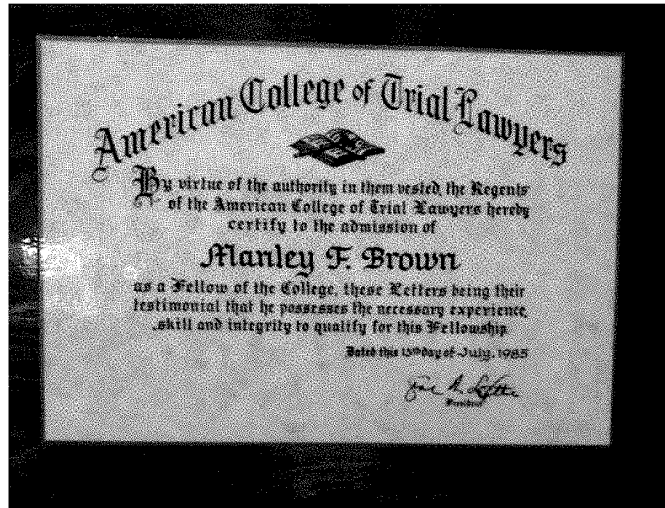
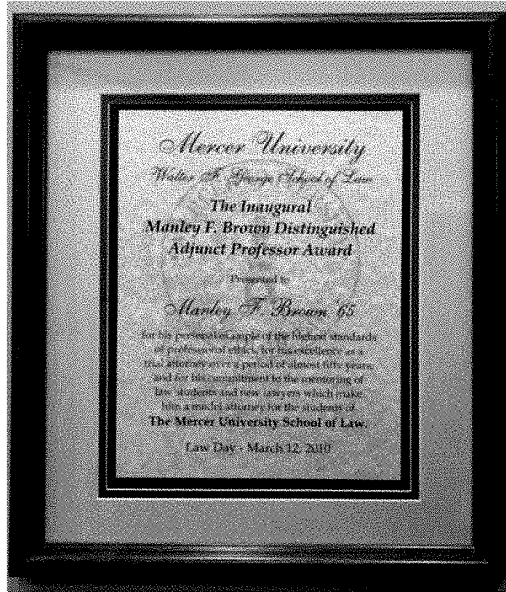
*MR. BROWN:* I want to thank Pat Longan for his interest in doing this oral history. I hope I haven't forgotten somebody that I should have mentioned, but I have really enjoyed doing this.

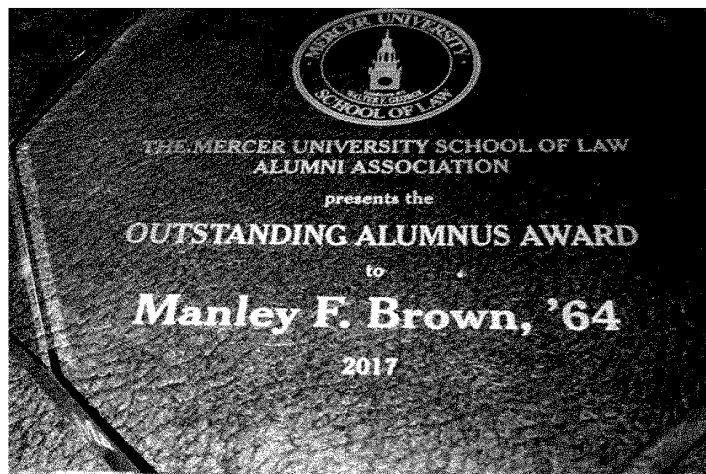
*PROFESSOR LONGAN:* I can't begin to tell you how much I've enjoyed this oral history and how much I appreciate all the effort you put in, not only being here but in the preparation that it took to do this. It's been a wonderful three days. Thank you.

*MR. BROWN:* Thank you again, Pat.

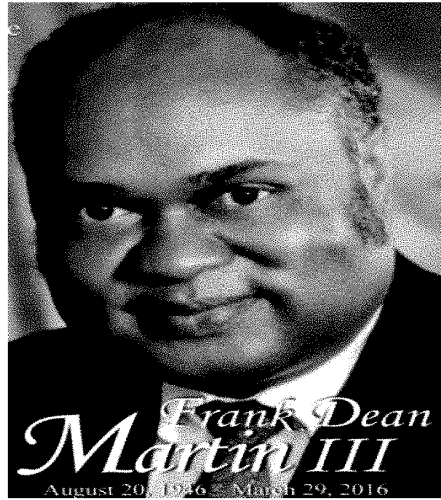
**Manley Brown's Special Awards**







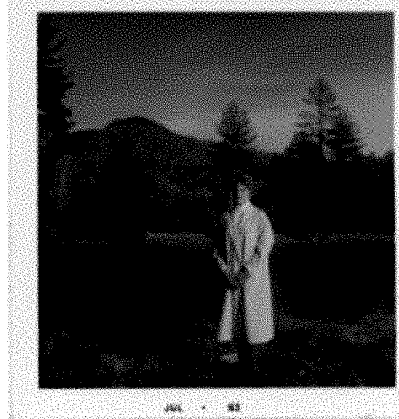
**Manley Brown's Special Photographs**



A Loyal Friend



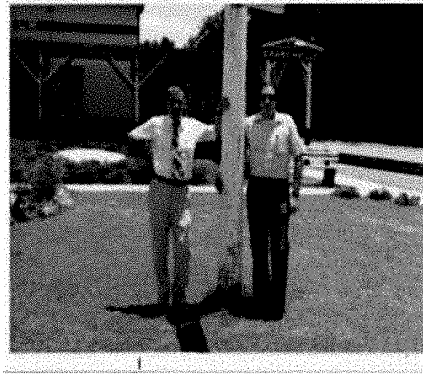
Francis, Manley, Joe & "Fuzzy"



Jean at High Hampton



Jean at Billingsgate in London



2  
Nice  
Boys



3 Hard Working Guys at the Firm Retreat

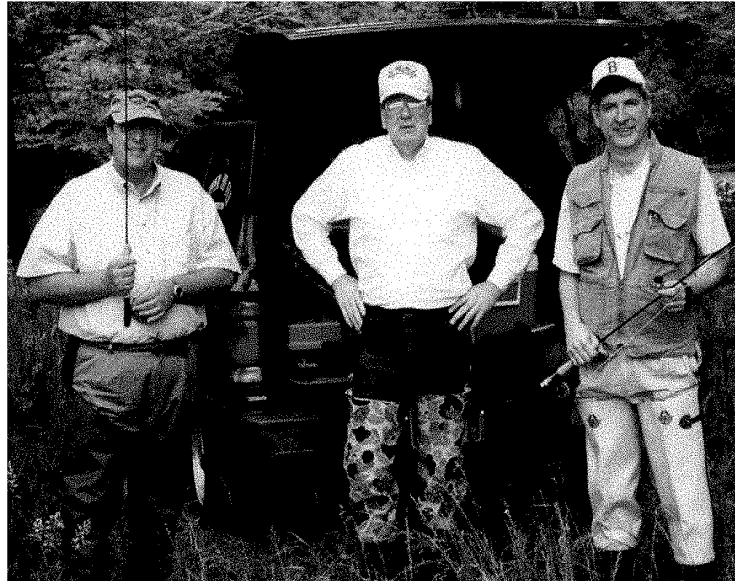


Manley and Jean at the Masters



1974 - the Simpsons, the Browns, and the Roberts  
at the Grosvenor House, Park Lane, London





3 "Great" Fishermen

Gift of Boots from Lawyer Friends

