

Louis M. Brown: Prophet and Friend

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"Preventive law is the outlet of life's purpose. The objective is to help people in the way I know through a profession of learning that I have studied and experienced. It should be clear that I care more, much more, for the people that the profession is here to serve, than I do for the profession itself. Yet I believe that the help the profession can supply gives the profession a basis for its existence in our complex society of people."

— Louis M. Brown, *Lawyering Through Life* (1986).

Louis Brown's words reflect the clear purpose that propelled his life's work. He contributed a staggering level of output, a brilliant level of quality, an unwavering commitment of compassion, intellectual and moral integrity, and a constant focus on his lifelong priorities.

Louis's autobiography *Lawyering Through Life* is a "must read" not just for preventive lawyers, but for any lawyer. In addition to his legendary legal accomplishments, Louis Brown, the man, is a model of understated humility, tireless energy, and persistent and patient strength. Whether playing viola (which he started at age 50), outlasting a much younger opponent in tennis, publishing his family's quarterly newsletter, or winning a photography contest, Louis never stopped giving, never stopped dreaming.

Until his peaceful death on September 19, 1996, Louis was constantly breaking new ground and lighting the path for the rest of us. He left both the legal profession and our society with memories and legendary contributions seemingly Herculean for just one man to accomplish in a single lifetime. He has also challenged us with an agenda of important work that will take the next several decades to even partially be fulfilled.

When Louis graduated from Harvard Law School in 1933, few could have predicted the historical impact he would have through his writing, teaching and tireless development of Preventive Law. His many accomplishments include his revolutionary concept of "preventive law" as a discipline which redefines the role between lawyers and clients. He also recognized and endorsed the use of paralegals as well as other innovations in legal service delivery and law office management when such trends were decried as commercializing and de-

meaning "an honored profession." His views affirmed a positive and proactive approach to law's educational use in contributing to the harmony and general welfare of people in all walks of life.

From the publication of his first book *Preventive Law* in 1950, Louis was comfortable working in and outside of the established legal profession. Not concerned with possible criticism from traditionalists, he was willing to write regular legal columns for the popular press and airline magazines as well as for law reviews and bar journals. He never wavered from his belief that the legal profession is formed solely for the purpose of improving the life of clients.

Louis barely practiced law his first 13 years out of Harvard. He worked primarily for his father in the family sheet metal factory where he learned first hand about business and about the frustration of stifled dreams. On December 7, 1941, Louis bolted for Washington, D.C. Eventually finding a position in the War Department, Louis started putting his preventive approach into operation.

After returning to Los Angeles after the war, Louis became a partner in a prominent firm and later became a key partner in Irell and Manella. He was not just recognized as an expert in tax and business planning . . . he was the firm's resident mentor. Louis was very proud of playing a role in paving the way for Jews and other minority lawyers in traditional L.A. firms. And, he was equally proud of bringing Gentiles into his previously all Jewish firm.

Louis ascended the leadership ladder at the Beverly Hills Bar Association and was its President in 1961. His Newlywed Counseling Project won national recognition. He continued to contribute to our Bar. As late as 1994, he drafted an ADR Pledge (that included a commitment to Preventive Law) that went to every member of the 3,500 volunteer Bar Association. In 1994, the Los Angeles County Bar named its Conflict Prevention Award in his honor. At an elegant dinner at the Biltmore Hotel, over 400 friends and colleagues saw the premiere of the video "Louis

FORREST S. MOSTEN was a close friend and colleague of Louis M. Brown. Mr. Mosten is the 1996 recipient of the Los Angeles County Bar Louis M. Brown Conflict Prevention Award. His new book, *The Complete Guide to Mediation (ABA)* is dedicated to Louis M. Brown.

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A (BAD) DECISION BY A JUDGE CAN REALLY HURT PREVENTIVE LAW, 11 Preventive Law Reporter, no. 1, p. 2 (1992).

PREVENTIVE-LAW LAWYERING: THE CONCEPT OF LEGAL HEALTH IN ENCOURAGED BY PREVENTIVE LAW, 11 Preventive Law Reporter, no. 2, p. 4 (1992).

PREVENTIVE LAW WOULD HAVE SAVED \$80,000, 11 Preventive Law Reporter, no. 3, p. 15 (1992).

COLORADO HELPS NEW COMPANIES PRACTICE PREVENTIVE LAW, 12 Preventive Law Reporter, no. 2, p. 20 (1993).

SPECULATIONS ABOUT COMPLIANCE REVIEW, 12 Preventive Law Reporter, no. 4, p. 2 (1993).

PREVENTIVE LAW MAY BE BASIS FOR SOLUTIONS IN CURRENT DISPUTES, 12 Preventive Law Reporter, no. 4, p. 30 (1993).

THOUGHTS ABOUT COMPLIANCE REVIEW UNDER THE FEDERAL SENTENCING GUIDELINES, 13 Preventive Law Reporter, no. 4, p. 2 (1994).

A NEW ERA FOR NCPL, 14 Preventive Law Reporter, no. 2, p. 2 (1995).

I GAMBLED -- IT CONTINUES TO PAY OFF, 14 Preventive Law Reporter, no. 4, p. 2 (1995). ♦

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Brown, Father of Preventive Law" showing Louis vigorously discussing his ideas at age 85 with comments by Judge Dorothy Nelson (Former Dean of USC and friend of NCPL), Ed Sanders (Louis's long time friend and partner), Dee Miller Siegel (President of the Beverly Hills Bar), Ed Dauer (President of NCPL and Louis's intellectual alter-ego), and his wife, Hermione.

Louis was again recognized for his achievements in 1994 when the American Bar Association established a perpetual "Louis M. Brown Legal Access Award." The annual award recognizes a person or organization that has contributed an innovative, successful model of the Delivery of Legal Services to Middle Income Persons. The ABA named this award after Louis due to his pioneering efforts in the development of legal services which included:

- ◆ Chairing the ABA Committee on Military Legal Services which developed the largest legal service plan in the world
- ◆ Developing pre-paid legal services, group plans, and law offices devoted to middle income persons
- ◆ Co-founding the nation's first paralegal training program at a major law school
- ◆ Creating the law office classroom in law schools throughout the county as a setting where students can work in a simulated law firm setting to learn about preventive practice and other courtroom lawyering
- ◆ Co-founding the USC Tax Institute as a national think-tank for tax policy and practice development
- ◆ Inventing the Personal Legal Wellness Check-up to diagnose and maintain the legal health of individuals

- ◆ Developing the Corporate Legal Audit to diagnose and maintain the legal health of small business ranging from the corner grocery store to international corporations
- ◆ Inventing the Legal Autopsy to teach strategic lawyering skills;
- ◆ Authoring so many books, articles, and teaching materials that his bibliography alone takes up approximately 30 pages in his autobiography

As a professor at the University of Southern California Law Center, he had long desired to find a method to motivate and teach students the principles of client-centered lawyering and Preventive Law. He created the Client Counseling Competition and beginning in 1969 with two teams (USC and University of San Francisco), Louis solely administered and funded the competition for three years until it had grown to 20 teams. In 1972 the American Bar Association Law Student Division assumed administrative responsibility with a \$25,000 grant from Louis, who chaired the Competition Committee for its next 10 years. This Committee included well respected professors and practitioners. Today, approximately 85 law schools in the U.S. and Canada participate.

In 1986, the competition became international with the formation of the International Client Counseling Competition. England-Wales, Scotland, Northern Ireland, Eire, Malaysia and Australia now offer their cultural and legal perspectives to this law school activity. The competition became officially affiliated with the International Bar Association in 1993 and was renamed the "Louis M. Brown International Client Counseling Competition." Louis often said that conceiving of and implementing the Client Counseling Competition may have been the greatest and most long-standing accomplishment in his 60-year legal career.

Louis was known for his humility and promotion of ideas - reluctance to talk about himself. I cannot count the times that I witnessed Louis demonstrate his unselfish generosity to many whom he barely knew, and to some whom he never met. Louis heard about an experiment to give legal check-ups to the poor in South Central Los Angeles. Ricardo Torres and Ruth Ann Chao were in his office within weeks. He was approached by the Los Angeles Chinese-American Bar Association who was utilizing his Blue Car Project (teaching high schools about Preventive Law) and he sent them his materials and a check. Every year he bought a table at the annual Judges' Luncheon of the Beverly Hills Bar so that law students could attend and begin dreaming dreams. He saw a small story in the L.A. Times (he read several newspapers daily) about a small Catholic school called Manhattan College that was starting a peace studies program. Louis sent a check and for the next 25 years and became an invaluable supporter of that project. He heard about a solo practitioner in Queens, N.Y., Angelo DeGongi, who gave legal check-ups to the elderly in his senior citizens' center between bingo and lunch. Louis was on a plane to visit Angelo and to support his work.

One of my most poignant memories was when we traveled to Birmingham, England in 1987 for the English Client Counseling Competition. Seventy-eight years old, Louis carried his own crampy packed suitcase (replete with extra Preventive Law titles) and didn't stop sharing and testing ideas with me until we pulled into our Bed and Breakfast lodgings 16 hours later. Jet lagged the next morning, I stumbled into the dining room to see a freshly scrubbed Louis Brown discussing Preventive Law with the kitchen help.

Louis was without pretense. He would chat with judges and laborers with equal enthusiasm. He would joke that he finished at the bottom of his law school class somehow leaving out the name "Harvard Law School." He seemed to have a special affinity for struggling students and overwhelmed young lawyers. Regardless of his growing international stature, no question or request for materials seemed to be a bother. No phone call went unreturned; no letter went unanswered.

Once you got Louis's attention and affection, your mail carrier's life would never be the same. Louis started both the NCPL and this publication from his desk. He was a one man clipping service. I have files of articles, memos, cases and other items that Louis sent to me just because he thought I might be interested. I have spoken to countless others who benefited in the same way. Actually, I played a game. Every few weeks I would call Louis and tell him about an item I read in an arcane journal. Invariably, he had already seen it and had mailed it to me.

Louis Brown's model of lawyering is imprinted on my soul. Every morning, as I enter my office, I see the Louis M. Brown Client Library which houses all of Louis's publications and unpublished memos and correspondence. This client library was born out of Louis's motto - "client waiting time is learning time." In honor of his lifetime of achievements, the University of Southern California inaugurated a Louis M. Brown Client Library.

his 21st century projects, any one of which could occupy a full career. He was always 50 years ahead of the rest of us -- but his greatest job was to help us try to build on his solid foundation.

Countless lawyers in Los Angeles, the U.S. and abroad have long been inspired by Louis' mind, his gentle resolve, his devotion to the law, and, most importantly, his love of humankind. Louis was my mentor, colleague and close friend. For 25 years Louis gave me his total support and challenged me to reach beyond the present and the possible. He patiently read my "rough" drafts and asked me to comment on his prolific writings. He constantly sent me clippings and articles in areas of my interest and floated ideas he thought I should explore. He advised me on legal, financial, and personal aspects of my life. While he was the Father of Preventive Law and beloved father of three successful sons, Louis Brown gave more to me than I could have ever hoped from any father. ♦

When Technology Evolves Faster than the Law

Connie Bagley, Stanford Graduate School of Business professor, makes an interesting observation in her forthcoming book, *The Entrepreneur's Guide to Business Law*. Inc. magazine (Oct. 1996), quotes Bagley's example on proprietary technology: "The historic model was that in order to get venture capital, companies needed proprietary technology. Now, in the post-Netscape world, people are beginning to rethink that model. It might take 18 months to get a patent on a product that has a 12-month life cycle. By the time you finally get the damn thing litigated, it's meaningless." This observation highlights a holistic and strategic role for preventive techniques. By relying on first-mover advantages, copyrights and confidentiality, businesses bypass the traditional but more cumbersome protection of patents yet still receive the benefits of preventive strategies. As Bagley puts it: "In the future, fewer entrepreneurs will try to erect fireproof legal walls, because by the time it matters, the wall's fallen down or everyone's run in the other direction and you have a wall sitting there in the middle of nowhere." ♦