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WESTERN LEGAL HISTORY ORAL HISTORY PROGRAM

Hermione K. Brown

A LOS ANGELES LAWYER'S LIFE

An Interview Conducted by
Carole Hicke
1991

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Interview with Hermione Brown
Date of interview: May 29, 1991
Place of interview: Los Angeles County Bar
Interviewer: Carole Hicke

Begin Tape 1, Side A

Hicke: We're going to assume that we've already asked you about all the background information and we've got you up to where, the 1930's?

Brown: '40's. Late 40's.

Hicke: One of the things that I particularly want to ask you about is people who have had influence on you.

Brown: Well, apart from my husband, who is a lawyer and my brother who was a lawyer and my parents, of course, there is only one person that stands out and that was Martin [Gang]. Martin is no longer practicing, but he was the senior partner in our firm from the day he founded it. He went out on his own in 1931, in the middle of the Depression and, as he tells it, he was working for Loeb & Loeb at the time, shortly before, and he was in the library working late. He heard there was a conference in the other room and there was Mr. Loeb and the other Mr. Loeb and some client sitting there, and he was working in the library, and he said he heard a buzzer and he ran in very eagerly. "Yes, Mr. Loeb," and Mr. Loeb said, "Martin, will you go down to the corner and get a milk shake." At that point Martin left.

He decided he was not made for the corporate world. And he wasn't. He was a charming, charming man who was way ahead of his time in many, many respects. He had five younger sisters, and no brothers. He grew up in a feminine world, so had not the slightest bit of sex discrimination feelings; women were people, as far as he was concerned. So that was by itself an unusual thing.

When I started to talk about going to law school, I met him because my college roommate was his youngest sister. My college roommate then married my brother, and my brother then went to work as a partner with Martin. So there was a real family relationship. But in any event, when I started to think about law school, which was during World War II, he said, "Hermione, if you ever want it, you've got a job here." So, of course, that was quite an inducement in days when women were not offered professional jobs very readily and I was not one who liked going job hunting, as, I guess, nobody does.

The day I finished law school I presented myself at his front door and said, "Here I am." And he said, "Sit down and draw a release." And I said, "What's a release?" He said, "Just draw it." I went to his secretary, and I said, "Pinky, what am I supposed to do now?" She said, "I'll give you some forms." So I drew a release, and I came back and Martin said, "Fine, send it out." I said, "Don't you want to read it?" He said, "People who work here do their best work; they don't rely on me." That was the last instruction I ever got from him.

Hicke: Could I just ask you, when he left Loeb & Loeb, did he then become a solo practitioner?

Brown: He went out on his own in 1931; he moved to Hollywood, opened an office in the Taft Building. First, he shared offices with somebody and then he got enough practice to take over the office. Then five years later, my brother came to work with him, who had also worked at Loeb & Loeb and also had pretty much the same professional training en route. They specialized. then, in entertainment law.

Hicke: What was your brother's name?

Brown: Robert Kopp. Then during the war, my brother was in the service, so they engaged another fellow who had also been of their generation at Harvard Law School named Norman Tyre. He was 4-F because he had kidney troubles. He is now the healthiest octogenarian you ever

knew, but his kidney troubles seemed to have evaporated over the years. I was the fourth person. We had three offices, two secretaries and then Milton Rudin came about nine months later and he and I had one office. When he talked on the phone I was silent and when I talked on the phone he was silent, and that's how we practiced until we finally got some more offices.

It's been a long, long career with these same people. But the interesting thing about Martin was that he didn't want to grow big. He said, "I won't make more money, I won't be happier and neither will you. Let's stay as small as we can." For years we stuck to four or five. Now we are up to 15, but he isn't around, so I think his restraining influences sort of.... The other thing he said, "I don't want associates. Everybody who works here has got to be a partner within a year or two or they are no good. We don't have associates. That's not the way to live." The third thing is, he said, "I won't charge by the hour; I don't care about hours. If you know your business, you'll spend less hours, not more hours, so I'll charge by the job, not by the hour." He was an iconoclast, obviously. The other thing he did, he said, "Where we get entertainment clientele, we've got to choose good ones. If they're successful, we'll be successful. If we choose lousy actors and lousy writers, we'll be in the doghouse." And that was Martin. So he did associate with some of the most important personalities in Hollywood. He particularly loved writers and directors. He encouraged them.

This was a little man. You have to understand, Martin was five-foot-six, sandy-haired, lisped when he talked, had no oratorical manner, spoke so fast that the courthouse stenographers always said, "Slow down, Mr. Gang, I can't keep up with you." And he'd say, "Okay, I'll talk right away [rolls tongue]" and off he was going. He had none of the usual attributes, but he had some different ones. He had a wonderful wit. He had a great love of people. He had an enthusiasm about people that carried over, so that he never met a person he didn't like. That was true. He always found something that he liked about them. He'd say, "He's a terrible lawyer, isn't he charming?"

What I wanted to tell you about him, because it's the most important thing, actually, in his career, was about the Hollywood Un-American Activities Committee investigations. I always feel that Martin has been badly maligned in that. If you saw the last movie, what's the name of it?

Man: "Guilty by Suspicion."

Brown: He is portrayed as sort of a scheister. Someone who is pushing these people. Martin never pushed anyone to do anything they didn't want to do. The way he got involved in this was that clients came to him, particularly Sterling Hayden, who was the first guy who came to him and said, "Martin, DO something. Get me out of this; work with me." And so Martin, being a very good lawyer, said, "Sure, I'll do what I can." Martin's approach to the law was that every one of his clients was an individual and had to be handled individually. He said, "I don't think they will win on a 1st Amendment defense, and if I put that defense up, you will go to jail. Do you want to do that?" That was his approach to each client.

After many of these clients came to him, he then developed a rapport with a guy named Wheeler, who was the investigator for the House Un-American Activities Committee, and he got to see the files. He did what a good lawyer would do to protect a client. He did not do it from a theoretical point of view. At one time, way at the beginning, when Dalton Trumble was first fired by Metro [Metro-Goldwyn-Mayer], he came to Martin, and we prepared a complaint against Metro for breach of contract, on the ground that they had no right to fire him. We thought he had a terrific case, because there was no morals clause in his contract. Every other person in Hollywood had a morals clause in it. He did not, and therefore there was no basis for this action on Metro's part. He had not been convicted of a crime, he hadn't been accused of a crime, he had done all of his work promptly and efficiently, he was a good writer, they had no basis for firing him. We prepared the lawsuit and sent it over to him. He came in a few

days later, he said, "I'm sorry, the group feels I shouldn't take this position. They all have morals clauses, and if you win this case on the absence of a morals clause, the group feels that that would weaken their position, so I have to get another lawyer." Martin said, "Go." He said, "You won't win, you're weakening your position, but if that's your theoretical approach to life, be my guest."

Martin got involved by having done something for one client. Hollywood is a very small town, in terms of the number of lawyers and the positions they take; it could be any little community of 10,000 people in terms of the way rumor gets around and the way knowledge gets around, even today. Pretty soon, everybody who wanted to get "cleared" so they could work, and who really weren't members of the Party, or had been but hadn't been active in 10 or 15 years, or had contributed during World War II when Russia was our ally and the Party was a legal party in this country, all these people came to Martin, just one after another. He took each one on, and did the best he could for each of them. He has been accused of master-minding the sellout of all these people. He didn't master-mind a thing, except how to help his clients.

After that, the Rand Corporation came to him in about 1952 or '3, and they put him on retainer to get "Q. clearances," which were restricted clearances for all of their personnel, because the Army, under prodding of Senator [Joseph] McCarthy, was revoking the clearances for all of the people--one after another--of the scientists and engineers and mathematicians at the Rand Corporation. Martin was able to get almost all of them cleared. Now, I feel, we feel, and I think it was a big disappointment to him all the years, that people portrayed him as sort of a Judas Iscariot or something, when all he thought was, he was doing what was best for each client, as the client came along.

Hicke: That's a good correction of the movie's viewpoint. [Pause on tape.]

[Interview continues in Brown's office.]

Let's go back a little bit and pick up a little bit of background information on you. Could you tell me when and where you were born, please?

Brown: I was born in Syracuse, New York on September 29, 1915. My father was a pharmacist. He was an immigrant from Lithuania, had come to this country on his own when he was 15 after wandering around Europe. He was a very brilliant but untrained man who had taught himself everything he knew. My mother was a Phi Beta Kappa from Barnard College, class of 1910, who had walked into the college--never heard of it--walked in one day, and said, "I just graduated from New Bedford High School and I want to go to college, and they wouldn't let me into that normal school downtown, because I don't sing. I have no money. Can you let me in?" She had an outstanding record and Barnard helped her with scholarship money and she went to Barnard College, majoring in history.

Hicke: Great story.

Brown: She had been born in Russia but brought here when she was a year or two old.

Hicke: What was her maiden name?

Brown: Burger. She was a very intelligent and scholarly type of lady. I had very good antecedents. I had one brother--he died very young--who was four years older than I, and my father was very disappointed that I was not a boy. He felt that girls had no chance in this world and men were the only usable things, if you want to call it that.

Anyway, in many respects I shared his feelings. When I was three I threw away my dolls. I never would play with dolls. I would rather

climb a tree after my brother and fall out of it than sit and fantasize on how to be a good mother, or anything. I grew up very scholarly; both my brother and I were outstanding students. We were queer ducks growing up. My father spent a great deal of time with us, because he ran a pharmacy and he could work nights and take afternoons off during summer vacations, and so our interests were centered around the family.

We had no religious background whatsoever. He had been Jewish, raised to be a rabbi, and when he left Russia, he never again would set foot near anything to do with religion. He made terrible fun of it because he felt it was hypocritical, at least organized religion, and so we grew up and it was understood that we would go to the best schools and do the best thing in the world.

I entered Wellesley when I was not quite 15, and I graduated when I was 18, and I went to France in 1932, in the middle of the Depression, for a year. For all these things, I had scholarships. My parents felt no sacrifice mattered in terms of getting us anything we wanted from an educational point of view. Literally. We never realized that his business went to pot, he had no source of income, but we were going on our merry way. Not that our wants were great; I had an allowance of $5.00 a week that an uncle supplied me. That was adequate for my needs. As I say, I spent a year in France. In my senior year I was number one in my class at Wellesley; I won their top fellowship. And the day I graduated, my roommate, whose name was Violet Gang, and I took the boat through the canal to California.

I never did attend my graduation. My brother had finished Harvard Law School the year prior and had been offered a job at Loeb & Loeb--Loeb, Walker & Loeb, in those days. He was out here, and my parents, having lost their business, figured they might just as well pull up stakes and start over, so they had moved out here. I had a great uncle who was the president of Metro Goldwyn Mayer. So my mother got a job as what was then called a "reader" and is now called a story

analyst. On that, and my brother's earnings, my family could make do. So when Violet Gang came out, I came along, too.

We were here about a month when my mother's sister, who lived here, and the sister's two children, were killed in an auto accident. I felt that I could not go away from home at that point, so I went to work at Fox as a reader, and I postponed my fellowship for a year.

At the end of the year I went to Berkeley, and I studied bacteriology. I did fine on all the scholastic stuff, but when it came to the lab work, I was an absolute dud. The professor said, "Hermione, I don't think you are meant to be a lab technician." I recognized that this was not my future, so at the end of the year, I came back to Los Angeles, and went back to work at the studio as a reader. I worked there for six years, during which time I got married and I had one child.

I was determined to work. I had always said so. I think my mother, in her heart, was very disappointed that she had never done anything with her life in terms of an occupation. My father had trained me to think like a man, that type of thing, and I made it quite clear that nothing was going to stop me from working. I might not work always in the same place, but in the '30s--in the Depression particularly--it was a real philosophical discussion as to whether it was "right" for a woman to work and take away a job from a man. At Wellesley, which was a women's college, this was a subject of heated discussion on many an occasion.

My husband is a lawyer, and he was working for his father because, as a lawyer, he was only able to earn $55 a month, which wasn't enough for us to live on. He went to work for his father, who had a steel business. We got married, and as I say, had one child, and I was very fortunate. I had the best husband--have the most supportive husband in the world, because way ahead of his time, he recognized that I would be a disaster if I stayed home, and that I should be out doing something. He supported that at every turn.

Hicke: That makes a lot of difference.

Brown: If it was a question of getting up to change the baby's diapers, he would get up most of the time. Occasionally I would, if he was exhausted, but he was there constantly. He also agreed with me that I couldn't do two jobs; I would have to have household help of the most lavish sort. So with my first baby, I had a nurse and a maid because I was afraid of the baby. Later I got more adept at things.

Hicke: You didn't have Dr. Spock?

Brown: Not in those days. When World War II broke out, he left the day after Pearl Harbor for Washington, D.C. He wanted to get back into law. He hated what he was doing, and he wanted to work for the government and do something for the war, because we were very supportive of the war. Being Jewish. It was world that was going to pieces. In fact, my father did not talk to me for nine months when I was pregnant with my first child because he felt it was absolutely wrong, with Hitler in power, for me to have a child.

Hicke: Is that right?

Brown: Yes. He said, "You have no right to do this."

Hicke: You are going to raise the child in some terrible world?

Brown: Where it will be destroyed, because who knows what? My husband left for Washington immediately thereafter, and he got a job after about a month with a government agency called Defense Planning Corporation, whose function was to arrange financing and contract relationships with the big industries to get them to speed up their plant expansion for war related purposes.

Hicke: Henry Kaiser was involved in that quite a bit, wasn't he?

Brown: Yes. As soon as he got this job, he looked for a house, and we were lucky and found a little, tiny house and I moved to Washington with this 18-month old baby. It was January, 1942. For the first six months we were there, I doodled. I worked for the anti-poll tax committee. I found a maid, an 18-year old little black girl from the country who came and lived with us so I could get out of the house. I worked for the anti-poll tax committee, and I was offered a job on the New Republic, and I worked for some other groups but I'm not that type. So I said, "Louis, I've got to do something, and I can't take a government job," because they work from 9:00 to 6:00, which meant you left the house at 8:00 because you had to travel by public conveyance--we lived in Virginia--and you got home at 6:30 or 7:00 six days a week, and I said, "I can't leave the baby that much," which he agreed with.

I had to go to school. Well, what could I go to school and do? I looked at the catalogues and the only thing between 10:00 and 12:00 in the morning during wartime--the men were all gone, and the schools were closing down their daytime classes because they had no students--so the only thing I found was that the law school at George Washington still had classes between 10:00 and 12:00, so I enrolled in law school.

Hicke: That must be the most unusual reason I have ever heard to go to law school.

Brown: It was the only thing between 10:00 and 12:00 in the morning that I could do.

Hicke: That is wonderful.

Brown: So I started law school, and it really was a backward learning experience in the sense that the first course I took was called "Conflict of Laws," which is a senior course that is sort of a review of everything you've learned through law school. But that's what they offered at 10 in the morning. I took whatever was offered and

they only would offer one course for all the students in the school because there were so few of them. The minute I went to law school I said, "This is what I really want to do." I knew that I had found my métier and that I had dawdled--that I had refused to go for all the years up to then because my brother had been on Harvard Law Review, and he was such a brilliant lawyer that I had really felt I should be elsewhere and not in competition. But by the time I was in my late 20s and had been out in the world for six or seven years, I was able to face up to that. And again, my husband was very supportive and he helped me when I didn't understand things. There was no question that he was a great motivating influence.

Hicke: That's marvelous.

Brown: So, I went to law school there and then in 1944 we moved back to Los Angeles. I lost six months in the move because we moved in the middle of a semester, and then I started in again at USC [University of Southern California]. I just walked in. I had "A" grades again, but it wasn't a great feat, because there weren't very many students. I don't make big things about it. Anyway, I started in at USC and what I would do was take two hours a day of classes from 10 to 12, whatever it was, and be home when the baby got up from that nap. At 3:00 o'clock I was home with all my studying done and ready to do whatever I had to do with my child. And then, when we moved back here I was pregnant again, so I went to law school until I was six or seven months pregnant, and in those days, that was regarded with something akin to impropriety.

Hicke: Oh, yes, very....

End Tape 1, Side A

Begin Tape 1, Side B

Hicke: Okay, now let's see, you were pregnant and going to law school.

Brown: Anyway, so this guy, the teacher, would say, "Mrs. Brown, how long are you going to law school?" I said, "Until the [court sings?]" [Laughter]

Hicke: How wonderful.

Brown: I have a wonderful way of deflecting all these ridiculous...I don't get excited like the young people today. I would just laugh this off. I thought it was very funny.

Hicke: Instead of making a big deal out of it, yes.

Brown: Anyway, I finally finished law school in 1947. I was out again for about six months, and it took me 4-1/2 years all told.

Hicke: After your second child was born was when you graduated from law school?

Brown: Yes, he was a year and one-half when I graduated.

Hicke: You still had to keep going?

Brown: Oh, yes. And then I came to work for Mr. Gang, as I described, but it wasn't quite as simple as I told them in public there.

Hicke: Okay.

Brown: When I started to work, my husband at the time was a partner in a law firm called Pacht, Warren, Ross & Bernhard, which was--Judge Pacht had been a superior court judge here in town and it was a very well-respected law firm on the west side of town. It no longer exists. It became a branch of Shea & Gould of New York and about five, six

years ago went out of business. But, he was a partner in this firm, and when they heard I was going to work for Mr. Gang they got very excited and they said, "Well, she can't do that. We won't let her." And Louis said, "What do you mean, you won't let her?" They said, "Well, we are all on the west side of town, and we are competitive with Mr. Gang's firm. There might be competition. It might be inconvenient. Besides, there is no confidentiality. How can you let her go to work for another firm?" So Louis said, "What do you expect her to do?" And they said, "Well, if she wanted to work downtown for the District Attorney, we wouldn't care." So Louis said, "But she doesn't want to work for a district attorney." Well, they didn't offer me a job. Had they done so, I might have accepted it because I hated to see him put in this position; but they weren't that smart, because no one would offer a woman a job in a private firm in those days. They didn't have women in the major law firms. So, I said, "Well, Louis, what are you going to do?" and my husband said, "Well, I'm leaving there if they insist on that. I'm quitting."

Hicke: Well, for heaven's sakes.

Brown: So, he called them in and he said, "Look, my wife is starting work next week. I just want you to know. If you don't like it, you tell me that you want me to resign and I will resign, but I don't want to hear any more about it." So, they had big caucuses and meetings, back and forth, and finally they said, "Yes, we think you should resign." So he left. He walked across the street and he went to see Larry Irell, whom we knew, and he said, "My wife is going to be working for Mr. Gang, and I'm looking for a job as a consequence. Would you have an opening?" Of course, Larry and Art Manella immediately hired him. He was the fourth person at Irell & Manella. It turned out to be the best thing that ever happened to him, because he was a partner there and for 25 years worked there as a partner at Irell & Manella.

Hicke: That's great.

Brown: So, it worked out. But it was an example of the attitude in those days toward a woman in law.

Hicke: That was a marvelous thing for him to do. I'm so glad it turned out.

Brown: It turned out to be wonderful, but it was a big stress. We had two children, we had no real financial security at the time, and it was his career. This was a partnership that he had just acquired within the past year or two, because before that he'd been in Washington. He just walked out on them. He said, "You can't tell my wife what to do. And you can't tell me to tell her what to do." But Louis is that sort of a--as I say, when I listen to all the young women today, I say, the most important thing is not your attitude, it's to change the attitude of the men you work with. And that has to come from them. You've got to help them to see you in a different light. If they will support you, all your problems are gone.

Hicke: Did you talk to any other firms, or think about going anyplace else?

Brown: No.

Hicke: You didn't even consider it?

Brown: I never went anyplace else. I walked in here. I said, "I'll leave at 5:00 o'clock every day, because I have two children at home." Of course I have never left yet until 6:30, but Martin said, "We don't expect you to work late. We don't count hours, we count achievement."

Hicke: That's another incredible thing.

Brown: He is a man of--it's hard to describe him. Everybody who has ever worked for him adored this man. His secretary still works here. She has been 50 years with us. She came in 1941 as a girl of 18.

Hicke: You told me before when he started the firm?

Brown: '31.

Hicke: So your firm is 60 years old this year? My goodness.

Brown: And she's been here 50 years.

Hicke: That's amazing. Were there other women in law school, do you know? You probably didn't get to see much of them.

Brown: When I was there--during the war, USC had a class of maybe 15 students in the graduating class that I graduated with, of whom four were women. The next year there were 500 graduating, and there were still four women, you see. And throughout the '50s, women went way back. From the day the war ended, women were relegated to the house in the suburbs and having a family of three children and a refrigerator and being there for hubby when he came home. It was a dreadful time from a woman's point of view if you had any sort of ambition to get out of the home.

Hicke: Well, and as a woman, did you have any sorts of difficulties with clients?

Brown: Not really. Martin was wonderful that way. When we had a new meeting or a new client or he wanted me to meet an old client, he would always have me in to the first meeting. He always praised me absolutely lavishly, far beyond my worth, but he built me up to the client, and he said, "Don't call me, call her; she'll know all about it and she'll discuss it with me if it's necessary, but really, any question you want, if I'm busy you just call her." He did it this way so that pretty soon they were calling me. They had very little chance to object.

Hicke: Isn't that kind of hard on a person to hand his clients off to somebody else?

Brown: Martin didn't care. Martin always said, "You can take my clients, go. If they want to leave me, they'll leave me. I don't hold people by bounds. I trust them. They come to me because they want something. They'll stay if they're getting it. If they are not getting it, they'll go anyway." He never worried about losing a client. He lost very few of them. He had an absolute sense of security about him. Martin didn't worry about losing clients.

That's my family, my husband and my three sons and my two grandsons.

Bob died in 1953 of leukemia. He 41 years old when he died.

Hicke: This is your brother?

Brown: My brother. But he and Martin just adored each other. They were a perfect foil for each other. Bob was a detail man and a scholar, an idea man, Martin was the communicator and the relationship with the world. Between them they were a team like you've never seen. They both loved to pun, and they were witty and they laughed with each other, and they screamed at each other, and it was the nicest male bonding I have ever seen in my life. Norman came...

Hicke: Norman?

Brown: Tyre. He came in 1941 when Bob went in the service, and he's been here 50 years.

Hicke: I want to hear about the clients and about the un-American activities, but I also want to hear about the firm and the no-growth policy and what you did when you have more clients--how could you help but grow?

Brown: Well, I tell you, we still have that problem. We don't take clients unless we feel that they have something to give to us that we want.

Hicke: I see.

Brown: We are very restrictive on what we take, and periodically we try to throw clients out. It's very hard, because if you've worked with a client for years, it's very difficult to throw them out and say, "I'm sorry, I don't want you any more."

Hicke: So, you actually break off a client relationship for...I'm assuming, this is not for ethical reasons or anything like that, but just because you have other things you want to do?

Brown: Because the client is taking more time that he should be, or isn't contributing or sometimes doesn't pay enough, and doesn't need us, needs a different sort of person, or we are just so damned busy we can't handle it.

Hicke: Instead of hiring more people to handle the work that you can't handle yourself...

Brown: We refer out a lot of work.

Hicke: Okay.

Brown: We do no tax work here; we send that all out. Instead of having a tax man internally, we send tax work out. We do trial work. We have a small litigation department, but basically only for copyright and entertainment-law-related problems of our own clients. If an antitrust case walks in the door, we either send it out or associate other counsel.

Hicke: This was Martin Gang's philosophy?

Brown: Martin said, "If I grow big, we will not make more money, we will have more responsibilities, and I want people that I know personally, that I feel comfortable will--all of us will give the clients the sort of service our clients want." We charge a lot because we charge frequently either on a percentage basis or on our vision of what the

job is. And therefore with a successful client it adds up to a lot of money. With an unsuccessful client we work for nothing. We build up a lot of loyalties and we have had clients that we have worked for nothing for years and years and years, because we believed that someday they would be successful.

Hicke: Is this litigation?

Brown: No, this is all contract law. For litigation, we charge by the litigation. We don't keep hours that we can really charge by like the other firms do.

Hicke: Is that right? You don't keep track of your time?

Brown: I do, because I do a lot of probate stuff and the probate court insists on it. The litigators do, sort of. Our chief litigator does not keep time. He looks back over his file when he wants to bill and he says, "Well, I think it's worth this much," or "I must have spent three weeks doing this," or "I know I was in New York for two weeks taking depositions, so it has to be so much," but that's the sort of hours, time we keep.

Hicke: That's amazing. Most law firms keep by the quarter hour I think.

Brown: Or the six minutes.

Hicke: Yes, a telephone call.

Brown: We don't. When a client comes to us, he can call me 100 times a day. If he's a good client, I'll answer 100 times a day and it doesn't change the bill. But, on the other hand, if he's a successful client, his bill will come in. In fact, mostly we don't bill, mostly the good clients have business managers in this business, people who handle their financial affairs. All the entertainment people function through business managers, and the business manager is

instructed to pay us every month a percentage of whatever these people earn.

Hicke: I see. A retainer of sorts?

Brown: It's a fee arrangement that says for every million dollars you earn, we get X dollars. And we'll do all your legal work for that.

Hicke: That makes sense. What a civilized way to do business.

Brown: We don't even bill them. We trust them to remember to pay us. Every now and then we look at our bills and we have to see whether we are making out, so to speak. There are clients that have careers that go up and then go down. And so you carry them through the down periods. And then you carry them through the up periods. In the up periods you want to get paid, because you know there are going to be down periods. If a picture breaks for one of our clients and it's a dog, we don't get any money from that picture. So we are very anxious for our clients' pictures to be successful and for our clients to be successful. They tend to stay with us. George Burns has been my client--I've handled him myself since 1950. He came to Martin in 1938 and Martin turned him over to me around 1950 because he got tired of doing his daily routine work. He is still here, you see.

Hicke: That's wonderful.

Brown: Bob Hope has been our client since he made "Thanks for the Memories"--since he came to Los Angeles in 1938 or '9, so apparently they are happy with the way they are serviced.

Hicke: That's clearly a successful strategy.

Brown: For this type of practice, because these guys come in to us frequently when they are down and out. They have a crisis or a problem or their agent says, "I've got a new director who's really got talent but has never made a film before, but he's got his first

job. Will you take him on?" And then we check around town and people say, "That's a comer," and we'll take him on. Now it may be five years until he makes a successful picture. Or maybe more. And during all that time we may be working for this guy.

Hicke: It's called venture capital, I think! [Laughs]

Brown: Exactly. It's a strategy that a big firm doesn't know how to work with. In Hollywood, the successful entertainment practices are three or four or five, roughly our size, 15 to 25 lawyers, who work roughly the way we do, and not the big firms. The big firms have not been successful in representing talent. The big firms will represent studios.

Hicke: But you have mostly the individuals?

Brown: We represent people. Now, some of those people develop into entities of their own because they are so successful. Steven Spielberg started as a director, but now he is running a staff of 10 or 15 or 25 people and he has book ventures and he has TV projects going and he has five or six movies that he executive produces, and then he has one movie a year that he directs. So he has a whole group of activities, and we do them all.

Hicke: So you grow with your clients?

Brown: So we grow with the client, but we try not to grow in size.

Hicke: Let's go back to the House un-American activities. I think you had just started to talk about those a little bit, and I'd like to know who some of the people were that you....

Brown: I don't know that I--the public ones I mentioned because--the first one was Sterling Hayden.

There was an agent, a woman agent; there was a guy named Richard Collins. These were people who were known who did testify in public, and so I can tell you who they were. Martin developed relationships with everybody in town who was running these blacklists. One of the ways he was able to function was--typical Martin--he got to know the people. He liked them. Well, sure they are in the wrong thing and they are doing this, but if you talk to them this way, they'll understand. Informally, he was able to clear any number of people.

The excesses of the period were such that there was one guy, I think his name was Polanski, but I'm not sure, who said, "I don't know, I've been writing scripts and all of a sudden nobody will buy them." Martin investigated and said, "Well, you're on the blacklist." This guy said, "Well, I don't know why, I've never been near a Communist that I know of in my life." So Martin said, "So let me check further," and Martin went and contacted his contacts some more and checked some more. They had the wrong guy.

When they had money, he would charge them. Frequently he didn't charge these people. He just felt it was a way of giving them service that nobody else would give. He has been vilified for--I feel terrible, because all the books that have come out have portrayed him as a greedy man who did this vile thing, and though you might disagree with the philosophy of having people testify, they were summoned by an appropriate summons, they were asked questions that were consistent with the law of the land, and Martin said, "You will not get off by pleading the Fifth Amendment because you haven't committed any crime. You haven't done anything that you can be accused of a crime. You've got to work differently if you want to ever work again in this community. I'm not telling you to do it. You came to me and asked me what can be done. I'm telling you what can be done and what can't be done."

That word got around so lots of people came to him. A dancer, choreographers, writers--lots and lots of writers. Most of them had been one way or another associated with people who one way or another

were involved with the Communist Party. But what they knew about it was fringe stuff. And what they told in private meetings was usually a rehash of what the committee already had on its books. Martin tried the best he could to find out what was already on the books and then he'd have these guys say the same thing, so they'd feel a little better about their position. As I say, this went on from about 1947-'48 to 1954 or '5. He was swept up into this activity.

Hicke: What were you doing in this period? What did you start out doing, actually?

Brown: I did everything. I always did everything, except go to court. I assisted Martin in two cases, one a lengthy divorce case and one, Larry Parks against Columbia Pictures. He and I both decided that that was not for me. I was dreadful on my feet. I hated court procedures. I felt uneasy about my lack of knowledge of evidence. I just hated it. I hated it not because I hated it, but because I was not good at it. I'd write the brief, but I wouldn't go to court. After that, I never went to court. I took part in these two cases as his assistant, and I've never gone near the courthouse since then. I did a lot of contract work.

Hicke: Can you tell me who some of your clients were, or is that still confidential?

Brown: Well, some of our clients you wouldn't--a guy who died recently named Jess Oppenheimer, who wrote, who designed, who created the "I Love Lucy" characters. Now, you wouldn't know him, he was, just in the Hollywood circles, a well-known writer. After he left "Lucy" he wrote two or three other series that were not very successful, and I handled the work on those series. We worked similarly for a guy named Paul Henning, who created "Beverly Hillbillies" and "Green Acres" and one other, I forget, a third one; there were three series he had going. I did all the work on that. Usually either Martin or Norman Tyre would set the deal and then I would follow up with all the contract work and do the day-to-day follow-up work for them. For

the last 10 or 15 years I haven't done any of that, except for George Burns and except when they are on vacation when I take it over. I am familiar enough that I can pinch hit for emergencies on almost anything. Mostly now I do estate planning and probate, because with 15 lawyers, it's gotten to be almost a full-time job just to do that.

Hicke: For all of the clients?

Brown: For all of the clients. That's right. That's mostly what I do. I didn't start out doing that. I never took a course in probate. I never took a course in estate planning, and I never took a course in taxation. Those are the three elements that are involved in the work I do mostly now. But I've learned as the years go by, and I faithfully attend courses and study and try to keep up. I learned a great deal on the Executive Committee of the State Bar for Probate and Estate Planning. Somebody was nice enough to volunteer my services on that committee, and it turned into a magnificent learning experience for me. A fine experience all the way around.

I had a third child, you see, while I was practicing, so I have three sons. Until my youngest son went off to college I would never join any organization or do anything, because I wanted to reserve all my free time for the children. That was my--whatever you call it--conscience at work, or something.

Hicke: Well, that's your organization, I would say. You can only do so much.

Brown: My compromise with motherhood. It worked very well. The boys all grew up, they are very....

End Tape 1, Side B

Begin Tape 2, Side A

Brown: Probably the most interesting case I ever worked on, because I didn't work on cases, mostly, as you gather. I worked on a long, long pull with each of these clients. I know them from their babyhood--George Burns, I know his children, we've handled three divorces for his daughter. And things like that. But one day, Barbara Schlei, who was then the local head of the local EEOC [Equal Employment Opportunity Commission] called up. This was 1965, maybe, or 1962, somewhere in there, and she said, "Hermione, I want you to take a case, a pro bono case." And I said, "What is it? You know I'm not a litigator." She said, "Well, I want a good firm for this case, and it's very important." So I said, "All right, come out and tell us about it." So she came out, I had a young partner then whose name was Frank Wells, who is now the president of Walt Disney Productions.

Hicke: Goodness.

Brown: Well, he was a Rhodes Scholar, a Stanford graduate, very charming young man, and brilliant, and he came here because he didn't want to work for big firms, and this was, he thought, a future. Anyway, he was working here, and I said, "Frank, come to this." So Frank and I sat and she said, "We've got a lady who wants to be a station master for the Southern Pacific Railroad in Palm Springs, or near Palm Springs, one of the little desert stations. And for years, she has been turned down on the ground that the state law prohibits women from lifting more than 25 pounds, or from working more than 48 hours a week," or something like that. Apparently during melon season, at this station, they worked round the clock, loading melons onto these boxcars, and clamping the cars together so they could be hauled off. That was the business of this station. She had the seniority, and she was in line for this job. If she'd been a man there would have been no problem, but the Southern Pacific refused to hire her on the ground that it would be violative of state law, because of lifting these crates of melons that weighed more than 25 pounds. Hooking these railroad cars together certainly did. Obviously, if you worked

round the clock you are working more than 48 hours a week. She wanted it because the overtime for working round the clock was very good. The union refused to support her. The union was male dominated and it urged Southern Pacific not to let her have this job.

Hicke: I think that's fairly typical, isn't it, of their stand?

Brown: Yes. Barbara Schlei said, "I want her to get good representation." She turned out to be lady about five feet two, maybe, little tiny lady. She had 12 children.

Hicke: Good heavens!

Brown: She said it was nothing at all. "I haul watermelons around the farm all day long carrying a couple of kids in my arms." She said, "I can handle this job." So we said we would take it on condition that we could take it only through summary judgment. If we couldn't get summary judgment, we would not handle the trial. We were not set up to gather evidence and to go out and interview all the farmhands up and down the Valley, and so on. So Frank did most of the work. I worked with him on the briefs and assembling it. My husband worked on certain aspects of it. We dragged in everybody we could because it was just fascinating. We were very lucky the judge was Judge [President Richard M.] Ferguson, who came from Orange County and had been appointed by Nixon and we were sure he would be very reactionary, but he turned out to be very sympathetic to her and very hostile--he thought the union was just dreadful. He said, "You haven't represented this woman; how can you claim to think you've represented this woman." Anyway, we won the motion for summary judgment and the result of it was that the state changed their regulations.

Hicke: Regarding women's....

Brown: There are no longer male-oriented rules and female-oriented rules; there are single-sex rules. You may not work more than X hours a

week, except under certain circumstances, but it's the same for male and female.

Hicke: What's the name of the case?

Brown: The case was called Rosenfeld v. Southern Pacific. That case, Rosenfeld, went up on appeal to the Ninth Circuit. It was sent back for a re-hearing. The union was dismissed out of the case because it hadn't really done anything. It went up again on appeal, was sent back again and affirmed, then Barbara Schlei called us up and said, "I want you to ask for fees at your regular rates." And I said, "Why? We took it on a pro bono basis." She said, "I know, but I've got to establish for other lawyers that you will get paid if you take EEOC cases, and you are a perfect candidate to establish that because you've taken this case up twice, you've won it, and I want you to come in for a substantial award." So we did. Under that guidance, we went in for a substantial award, and Southern Pacific--they were such jerks. We would never have come in for a fee. It must have taken their in-house lawyers who knows how many years. This case went on for four or five years, up and down and up and down.

Hicke: I seem to think that I've read about it.

Brown: Yes, it was a very well-publicized case at the time, because it was one of the first two or three cases that established law in this field and caused every state in the union, practically, to change its regulations. To de-sex them. It had quite an impact in its way. Anyway, I prepared detailed charts of how much we did and why it should be charged on this basis, and in that case, I reconstructed hours and, I don't know, I think we were charging $50 an hour at that time. This was a few years ago. Or maybe we asked for $85 an hour, I don't really remember. Anyway, Southern Pacific came in and they had witness after witness who said, "All lawyers should charge is $40 an hour. That's all we pay for our lawyers." The judge said, "Yes, but they are not very good. Look at what they did." Anyway, he awarded us everything we had asked for.

Hicke: That's terrific.

Brown: But poor Mrs. Rosenfeld never got her job.

Hicke: Oh, she didn't?

Brown: They closed the station. By the time we won the case, the railroads were retrenching and they closed this station down and she never got that job. They shunted her off to some other station and she got some other job, but she didn't really get much out of it except to put her name in the books as winning a principle.

Hicke: She certainly did establish--she made history, shall we say, with that case.

Brown: But we couldn't get anything for her. Anyway, that was the most eventful, you could call it, or most dramatic case that I was personally involved with, because basically what I do is not litigation. What I've done for, as I say, the last ten years is largely estate planning or probate work. What I try to do, basically, is to control the administration of estates or the transfer of assets on deaths so there won't be litigation over it. I find that if the lawyer has a good grasp of the family history and the dynamics of who's going to demand what from whom, and how to organize it, you can save an awful lot of courtroom litigation and an awful lot of in-fighting, and I have been very successful in doing that.

Hicke: Well worth doing.

Brown: In the whole of my career I think there have only been two really litigated estates that I know about. And I just pulled out of them because I don't do litigation. Our litigating partner handled each of those cases.

Hicke: Let me ask you a little bit about when the firm did start to grow; you said it was after Martin left? Or at some point it started to grow, and I'm wondering how you hire people. You mentioned Frank Wells. You don't do much recruiting, I take it?

Brown: We can't, because we don't hire every year. We hire when we need somebody, and we hire on the most hit-and-miss basis you could imagine.

Hicke: It sounds like mostly hit.

Brown: Well, we have some very good people, very good people, but they come to us--Frank Wells, as I say, just came recommended by some professor we knew at Stanford who said, "Here's an unusual young man and you ought to get him." Tom Camp, who is one of our young partners, was from Stanford, too, and he had interned for 20th Century Fox one summer, or one quarter, and the guy over there called us up and said, "This guy worked for me as a student and he was awfully good, very well organized." Tom came looking for a job in July, or not that late, in April, or something like that, at a time when students weren't looking for jobs, because he had been for a year running a little theater in Nebraska, where he came from. A children's theater.

He decided after a year that he couldn't make a living doing that. He'd better practice law before it was too late. So he came back to California, at an off-season, looking for a job and this fellow at Fox, the lawyer there, sent him here, and we grabbed him. He is very, very bright, high grades, charming personality, so that's how he came.

Larry Rose, who is our youngest partner, came in the most peculiar fluke. We had interviewed and interviewed and interviewed and had three candidates that we thought any one of whom might be good. We needed another person in the entertainment section. As we were interviewing, I got a telephone call from a young woman, and she

said, "You probably don't know me, but my mother went to law school with you, and her name was Dorothy Kenyon." And I said, yes, I knew her very well. She was the editor of the law review when I was assistant editor, and when she graduated, I became the editor.

Hicke: At USC?

Brown: Yes.

Hicke: You were the Law Review editor?

Brown: Yes.

Hicke: Oh my, you forgot to mention that little detail.

Brown: Yes, I was the editor-in-chief of the Law Review, but the semester before, she was a year ahead of me, she was the editor, and she was a very, very bright, very aggressive and effective woman. And I said, "Yes, I remember her." So this lady said, "Well, I have a son who just graduated from USC law school last year." That was maybe in May. "Graduated a year ago, and he said that the thing most in the world he'd like is to work at your firm." So I said, "That's interesting; we do have one pending, we're considering people. Send over his resumé and tell him to be here at 1:00 o'clock." This was at 11:00 in the morning. "Because we're making up our minds at 5:00 o'clock this afternoon." So he came over. He was second in his class at USC, Law Review, he had a very good record, and we shipped him around. We didn't hire any of the other three, we hired this guy.

Hicke: All right.

Brown: And he said he didn't tell his mother to call, that she just took it into her head that that's the place he should be working.

Hicke: I think serendipity has a lot to do with your hiring.

Brown: So you can see, I cannot say we have an organized method of hiring. We interview and interview and interview, and we work on a principle that everybody has to like the person. And you cannot get 15 people, all of whom say somebody is great, whom they've met for 15 minutes.

Hicke: Yes, that's tough.

Brown: So one says, he doesn't have much personality, and the other one says, well, he came on too strong, and the other one says he came on too weak. It's an impossible hiring grill for the young applicant. One says his grades are good, but he didn't get an A in copyright, and the other one says, his grades are great, and who cares about copyright, he'll learn that, and the next one says, he has no experience. So it's really very tough. We don't have a program, we don't have anyone who works with people to teach them. It's like Martin said, "Do it! Here it is, do it!"

Hicke: But that's a nice challenge for young people today. I would think some of them don't get to do anything for the first year except sit in the library.

Brown: That's right. And some of them love it and some of them can't take it. They go to pieces. And, as I say, we have hired--we've had brilliant successes, and we've had miserable failures. The failures are, I'm sure, not because the people were intellectually inadequate or improperly legally trained, but they couldn't take the type of self-direction that we require. You just have to learn by yourself by doing, and be smart and have the judgment to know when you are making a mistake. And that's real tough. We are very well aware that those who run the gauntlet and succeed here are--not everybody, and that the people who leave us become very successful lawyers in other environments and under different circumstances. It is not a reflection, necessarily, on them in another environment. It's the inability to handle the sort of unstructured place we have here.

Hicke: Is it still true that an associate is only an associate for about a year?

Brown: No, no, but at the end of a year, we tell them whether we think they will make a partner, and we tell them we don't think you'll make it, you might want to look elsewhere. We won't want you to stay and be an associate. It usually takes three or four--four years to make partner here is roughly about right. There is no rule. It is as fast as we think you are competent to handle the situation, that we can share. But at the end of a year or so, we are either up on people or down on people.

Hicke: After about a year I guess you know if you are going to be able to work with this person.

Brown: They are learning. What we really looking for is, are they learning, and do they have judgment? Judgment is the hardest thing to teach.

Hicke: That's sort of like common sense?

Brown: Let me give you an example. We represent a lot of advertising, or a number of advertising agencies. Advertising agencies send over their copy, either the scripts or the story boards. Do you know what a story board is? It's the pictures of the frames that are going to go into an ad with the captions or the drawings, or whatever. Very frequently, they are on the verge of excessive promotion. We have to tell them whether they are over the line or not. Will they be sued, will their competitors get on their neck, have they stolen somebody's idea, are they imitating a public character too closely, are they using a sound-alike or a look-alike in an improper way? Now that's a judgment call. You can draw a caricature of Queen Elizabeth and she is not likely to sue you. But if you draw a caricature of some singer, you are likely to get sued.

Hicke: Oh really?

Brown: Yes, because they are very much more sensitive to the importance of protecting their personae.

Hicke: Their livelihood.

Brown: Their livelihood. Queen Elizabeth can afford to rise above it, you see. So there's lots and lots--and you have to make these decisions within 30 minutes. They call you up and say, "We're shooting tomorrow morning, can we use this script?" You have to, one, have watched a lot of commercials....

Hicke: I was just going to ask if you find yourself watching the television and going to the movies all the time.

Brown: Yes, you have to do that in this business. You have to go to the movies, you have to watch television, and we have a music section representing a number of well-known music people like Tina Turner and Ira Gershwin's estate and people like that. They have to understand music. Now I can't be a music attorney because I've got a deaf ear. You've got to be able to listen and say, yes, that's an infringement, or maybe that's too close, or maybe that isn't. So you have to both know the law and you have to know the practical aspects.

You have to have a judgment: will you be sued and will you win? And those are two different things. Frequently you can tell the client, "Yes, I think you'll win that, but what do you want to do? Do you want to be sued? What happens when you get the letter in the mail that says you've violated and demands that you retract immediately and that you cease using this commercial. And you've already spent a half a million dollars producing the commercial. And you have bought airtime that's starting the next week. Are you going to take a lawsuit? What are you going to do?" So you have to anticipate those sorts of problems. Those are judgment calls, but they have to be informed judgments.

Hicke: Entirely, yes. Do the clients try to advance as near to the edge as possible?

Brown: Well, advertising agencies always do, and the creative people come along with these very clever little ideas that are a take-off on something else. They are always using somebody else's slogan with a little twist or a reference back, because that's an attention getter. And you get as close as you can get. Competitive spirit in advertising is very, very tough. One client advertises this polish will last a year, and our client calls and says, "Get them off the air. That will kill us, we can't advertise that. It will last as long as theirs, but theirs won't last a year." But they are already on the air. How do you get them off? From the other side of the fence.

Hicke: How do you?

Brown: Well, then you write the nasty letter and say, "Prove that your client...."

Hicke: Challenge them.

Brown: Challenge them, and go down to the network. Networks have what are called policies and practices departments that monitor this stuff and you go down with your test material and say, "Look, we tested this guy's polish, and it doesn't last a year, it lasts 302 days, at most. Ours lasts 302 days." They have no substantiation, and then the network gets into the act, and now there is a lot of Better Business Bureau type of activity.

Hicke: And a certain amount of talk, I suppose...

Brown: A lot of this is decided at the network level, by their own in-house deciders, on what they will put on the air and they won't put on the air. There is no appeal from that, because if they won't put it on

the air, you don't have very much. You'd better change your commercial.

Hicke: If somebody came up with a 7-Up generation, is that hitting too close?

Brown: Oh sure, the Pepsi generation, sure. You would be in trouble. You haven't seen anything like that.

Hicke: No, of course not. But there must be a great difficulty in finding the line.

Brown: Exactly. The line is--it really is--it's your gut. Will they sue? Will they scream? Are you really trading on them, or are you just alluding to them? That's a gut feeling.

Hicke: So a certain amount of experience, I would think, would be helpful.

Brown: Sure. Of course. As you go, you learn, and usually, on the really close ones, at least two people in the office will get together and talk it over, because no matter how much law you know, and no matter how many commercials you've seen, choosing this line is very, very, very difficult. We always have a system--our office has an open door policy. As you see, he just walks in [referring to another lawyer], and I'll walk in anywhere here. I may walk out again if they're busy, but we do a lot of communicating back and forth.

Hicke: I also wanted to ask you, in terms of a small firm, what kind of business management--do you have a business manager, or who does that kind of administrative work?

Brown: Well, we are probably the worst-managed firm in the world, from that point of view. We have an office manager whose job is to keep the calendar, the litigation master calendar; and also to repair the light bulbs, because we own this building; and to hire and fire--not really fire because he can't really fire--but to hire new personnel,

or interview them, at least, where we need secretaries and library assistants and filing clerks--the non-legal personnel--to do all the interviewing and hiring subject to any lawyer's approval where it's going to be a secretary who works for--with--a lawyer. And anything else we tell him to do. He gets the machines fixed, keeps the telephone system working, makes sure that there is someone at the front desk, if the girls call in sick, does whatever day-to-day routine management is required.

We have a bookkeeper who keeps our financial material on a day-to-day basis on her computer, and can pull up for us information on which clients are paying and which aren't, and so on.

The rest of it is done by us on a hit-and-miss basis. We have a general meeting, office meeting, every other Tuesday for lunch. We eat in our conference room, something like the room we were at today for lunch. We have sandwiches or delicatessen. At that meeting, usually, we have the young people go over their calendars, what they are doing, so that we can one, critique them, and two, we can see what's--usually they are working for somebody, and see what's going on.

End Tape 2, Side A

Begin Tape 2, Side B

Brown: Every other month we have a partner's meeting.

Hicke: Every other month?

Brown: Yes, once in two months, and sometimes we skip it. This is rather recent. Until about three years ago, we never had a partners meeting, but we have to move or enlarge. We are just out of space here, and so we've taken to having a meeting every other month at which we decide whether a person should be made a partner, a new partner, whether clients should be fired, and if so, who, and what to

do about enlarging this space. Anything anybody feels should be discussed generally. Relationships with unions, or with clients, or anything that somebody thinks is worthy of the time of all 11 of us.

Hicke: Are distributions determined by some one person, or a committee?

Brown: Once a year, Bruce Ramer, who's the real head of the firm, when I say he's the real head, he really stepped into Martin's shoes. He draws the clients in. He has a wide circle of acquaintances in the community, he is very active. He is on the board of Loyola University, he's national vice president of the American Jewish Committee, he's on the breakfast club, he's president of the California Community Foundation, he is extremely active in all sorts of community activities, and has a wide, wide circle of acquaintances and is regarded as a person of great importance in [Inaudible] circle. He is the star attraction in terms of bringing in business, and he's a wonderful guy. He has Martin's philosophy: letting people do their thing, not overly dictating what to do. He has a very laid-back authoritarianism, if you want to call it that. In fact we accuse him of not being authoritarian enough. He's not reigning us in. Once a year he just makes up what he thinks would be a fair allocation of percentages among everybody and then he goes around and talks to everybody and says, "Do you think this is fair? Are you happy with this? Is there any problem? If there is a problem, say your piece, and if there isn't a problem, shut up."

Hicke: Oh, that's wonderful.

Brown: And people do. Sometimes they say, I think you are giving him a little bit too much and him too little and me not enough or me too much. Or yourself too much. Yes, we do that, too. He's very generous, he says, "Okay, I'll cut it a point, but I want to save it for this, I want to use it for this purpose, if I cut the point." It's a very easy--and then it's done. That's it for the year. So once a year, he looks at what he feels everybody has contributed and what everybody else feels everybody has contributed. He just

circulates it. People have a sense of that, and everybody feels well paid, so it doesn't affect your standard of living if you get a quarter of a point more or a quarter of a point less from the prior year. So there's a general feeling of, you know, it's not a big thing.

Hicke: That's marvelous.

Brown: We have practically no politicking around here because of that. It's very laid-back. I'll chip in and help anybody on anything and they'll chip in and help me if I need help. If you go on vacation you just leave a notice "I'm on vacation" and somebody takes over your work. We don't have any dates when you can take a vacation. Right now there are three lawyers gone on vacation. It just happened they all three decided to leave. We have one lawyer who moved to Santa Fe, New Mexico, and he put in a machine in Santa Fe and he works there.

Hicke: Oh, really! How interesting.

Brown: And he comes in every other week. He comes in for the office meeting every other Tuesday, stays a day, meets with clients, sets up appointments when he's in town for the day or two that he's in town, and then goes back to Santa Fe and does his work.

Hicke: That is marvelous. That's really flexibility, I think.

Brown: Well, we weren't happy with it. He's a very lovely man, and a great asset to the firm, because he knows a great deal about the motion picture business. He's worked in it all his professional career, and he said, "I'll work from there." We have a direct line to his office, so I just dial like I was dialing the guy next door. Clients don't know whether he's in town or out of town because it goes through our switchboard and they put him on just as though he was sitting here.

Hicke: Well, he's equally accessible.

Brown: He works via computer and fax machine.

Hicke: Oh, that's marvelous. Does the firm have any pension or retirement provisions?

Brown: We have a pension plan for the employees.

Hicke: But for the partners?

Brown: We're a corporation so it includes everybody, but it's not a big thing for the partners, because it's limited to--you can only do $30,000 or $32,000 now a year, put away for the senior partners. On that score, we have refused to allow people to have their individual corporations, because we felt it would fractionate the firm. We don't want to do anything where one person would have a different interest than another. Therefore, we wanted a common pension plan rather than having each lawyer have his own individual plan. We have a medical, obviously, a health plan, but that's all. We don't have anything special. My secretary has been with me since 1953.

Hicke: Really!

Brown: Mr. Gang's secretary has been with him since 1941. Mr. Wolf's secretary just retired at the age of 77 after 25 years. The girls who stay, stay for years and years. Our switchboard operators have been with us for 20 years each.

Hicke: That's amazing.

Brown: I guess we do something right. It runs, as I say, very badly in the sense that there is no authoritating--when we want to do something effective, it's very difficult. When we want to move or enlarge this building, it's like congress. We can't ever get enough votes to do anything. One says, well I don't want to go here, and since we don't

want to do anything unless everybody is happy, we don't do anything. It's been years and we're still sitting here.

Hicke: You are going to have to go to the initiative.

Brown: Exactly. This is the sort of thing that we are very bad on, because we don't--we really are a blackballing firm. All you do is say "no" and it stops everything unless somebody can talk you out of it. We have very, very strong personalities in this firm, and they do not see eye to eye on many, many things. The only thing they really see eye to eye on is that this firm is the best of all possible worlds. If you are going to practice law, there is no better place to be, and I think on that, everyone in the firm would--all the lawyers--would agree.

But outside of that, they have different points of view on many things, including politics. Bruce Ramer is a middle-of-the-road Republican, so is Tom Camp. Arnold Burk is a sort of generally middle-to-left Democrat. Several of the partners are economic royalists and some of them are economic socialists, in principle.

We do one other thing; we tithe, in a sense. Every year each of us gives a percentage of his compensation and it goes to group charities, rather than each of us giving to their individual charities, which we can do, of course, and do do separately, but we spend money as a group for United Way, for the American Jewish Committee, for Cedar-Sinai Hospital, for City of Hope, for a number of other organizations that we feel the group would all want to contribute to, and that we can get a much higher leverage and can indoctrinate the young lawyers much better by forcing everybody to contribute.

Hicke: It makes something very worthwhile to do.

Brown: That was Martin's idea, and it proved very successful, because you get young lawyers coming in, and when they first become partners,

they don't give to anything. They've never contributed to charity in their life, they've never had the money with which to make any meaningful contribution, so they do nothing. So if you say, whatever your percentage is, it's two percent of what we're contributing, but you are going to contribute your two percent.

Hicke: That's really nice.

Brown: After a while, they get used to this, and that's part of living. It also gives the firm a very high profile in the community. One of the ways that people here know us is they know we buy tickets to every major charitable function that Hollywood puts out. We're there, and we're counted.

Hicke: It sounds like the firm has a very strong sense of its own culture. I assume from what you said that most of it is derived from Martin Gang. People have been carrying this on, also.

Brown: Yes, as I say, Bruce Ramer has much the same philosophy, and he got it from Martin. The rest of us have also the same feeling. To me it doesn't matter, but the young people in the firm have picked up the same philosophy. They don't want to grow big. They came to this firm because it was small. Don Passman is our music lawyer and he is a spectacular music lawyer. He was at Irell & Manella and he hated it and they hated him. Finally, one of the partners over there, whom I know very well, called up and said, "This kid's a great kid, but he's in the wrong place. We can't work with him. He doesn't work for us, he doesn't work the way we work, he doesn't like what we've given him to do. I suggest you might want to interview him." So we hired him. He's wonderful.

Hicke: You were taking a bit of a chance there; that's really interesting.

Brown: He's a very strong personality, and he works the way he wants to work. He does what he wants to do, but he has developed into a top notch lawyer. He wanted to do music work; he didn't want to do

corporate reorganizations. He has developed into a top notch music lawyer, and his peculiarities have softened in this firm. Where he used to be very stubborn and very rigid, he says, "Well, if all you feel this way, I understand. Here's my point of view, but if you all feel that I'm wrong, I'll back away."

Hicke: Is that sort of like when someone leans up against a substance that will give, he doesn't have to fight so much. If somebody was finding a wall that he was beating his head against, then he was determined to break the wall down. But this firm supports his individuality.

Brown: We support all the partners. Mr. Tyre is individuality personified. He is impossible in certain areas, but he is terrific in others. If you ask him what he would do, he said, "This is Shangri-la. I wouldn't do anything." I glow when I think of this firm, but I hate to say it that way, because it's nonsense.

Hicke: I think that's important because, especially today, that sense is not found very often, I think.

Brown: No, but it's only found, you see, because the firm is small and we know each other very well, we work together a lot, we all have a sense that we've got to do our best work, nobody looks over our shoulders, nobody makes assignments, nobody tells you what to do, but everybody wants to do the best they can. It pervades the place. They don't go around with a chip on their shoulder saying we're doing the best we can; I don't mean that. There is a strong sense of group solidarity about how you practice law and what you want to do with your practice. You want to accomplish your clients' goals, you want to do it without litigation if you can, you want to always be willing to talk. Talk will never hurt you; you can talk to the opponent, it won't break them. You can be polite to people and still be stubborn.

There are all sorts of things that you can do that people lose sight of. Around here, there is a general feeling that you ought to be doing those things. It isn't talked about, we don't discuss it, it's

just a general feeling. Martin once said, "I will never take a default judgment without first calling the lawyer and making sure that they understand that I am going to do it." This was long before there was an ethics rule about that. One of the young men at one time did take a default and Martin said, "You set that aside. You didn't call and give them an opportunity. We don't practice law that way." The only times that he got mad were when he thought that people--that we--might not be living up to his standards. I think that has permeated. It has percolated.

Hicke: Do you think we've hit most of the highlights? I've kept you talking for quite a while.

Brown: I think we've hit anything that you want. There are a lot and lot of cases that Martin tried that I was only on the periphery of that I can remember--Norman could probably tell you more about them than me, but we had a whole slough of cases against Howard Hughes. Those were rather interesting cases because you couldn't get hold of Hughes. You had to serve him at 2:00 a.m. in the morning. I remember once, either Martin, or Bob when he was still living, had to meet him at 2:00 a.m. on this corner of Sunset Boulevard. That's the only time that he would meet with you.

Hicke: Who were you representing?

Brown: We represented an actress named Ann Sheridan at one time against Hughes. Sheridan against RKO. We represented another actress, I don't remember which one, also against RKO. There were two big cases against RKO.

We represented Gene Autry at one point against Republic Pictures. That was sort of interesting. One of those cases involved the question of whether--he went off to war in '42 or '3. He had a contract with Republic. When he came back, Republic wanted to reinstate the contract because he had never finished--they said, "Sure, you had a hiatus of two years while you were away in the

service, but now there are three more years to go on your contract." At the pre-'42 prices. And in the meantime, inflation had come along and '42 prices in '47 were like 50% or less of what he could have commanded. So we sued to break the contract on the ground that the war was such a suspension and change of circumstance that the contract should have--he could terminate it. It had lost its validity. We lost the case in the trial court.

We took an appeal, and Bob Kopp said, "I've got an idea." At that time, the world's leading authority on contract law was a man named Samuel Williston who was a professor at Harvard under whom Bob had studied, and who had written a seven-volume treatise on contract law. He was then in his 90's. Bob wrote to him and said, "Professor Williston, these are the facts, here's the opinion of the trial court, would you be willing to be of counsel on the brief on appeal?" Williston wrote back and said "yes" and he actually sent--and he did it in his own handwriting, he didn't even use a typewriter--he wrote a brief on the issue which Bob incorporated into the printed brief. He wrote his ideas and Bob worked them into the brief, and he was of counsel on the brief, and we got a reversal. We ultimately won the case. About 15 or 20 years ago, we collected all those papers and sent them to the Harvard archives.

Hicke: Oh, nice.

Brown: That was the last brief that Mr. Williston participated in. It was a historic event. Those were a lot of little things like that. I can't remember them all.

Hicke: No, of course not. I think you've told me enough to illustrate the kinds of things that were happening your career, and something about your life, too. Maybe this is a good place to stop, unless you have something else that you think we should cover.

Brown: No, I don't really have anything of any significance.

Hicke: Well, you had a lot to say of significance and I thank you very much for doing it.

Brown: You're very welcome.

End Tape 2, Side B