

**PANEL: ADMINISTRATIVE LAW AND THE ICC —
THEIR EVOLUTION**

JOHN R. BROWN
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MODERATOR: BETTY JO CHRISTIAN

MS. CHRISTIAN: Thank you, John. The subject of this panel today is one that all of us who have acted as lawyers at the ICC are very familiar with, and that is, the ICC and the Evolution of Administrative Law.

Listening to the earlier panel this morning on the history of the Commission, I couldn't help thinking that so many of the precepts about administrative agencies that we now take for granted did not necessarily have to develop this way at all. Back in 1887, an administrative agency was a brand-new creation and the men and women who created the ICC in those early years were literally establishing a framework which has permeated administrative law throughout the past century and in many ways has framed our whole understanding of what an administrative agency is.

As we review the cases in the administrative law treatises, we can't help but notice how many of those cases arose out of ICC decisions. So I think it is very appropriate that we focus on this subject today as we commemorate the 100th anniversary of the ICC. There is certainly no agency that has contributed more to the development of the law that we now know as generically administrative law.

We are fortunate to have a truly outstanding panel to discuss this subject this morning.

I couldn't help thinking facetiously that the panel that we have managed to assemble includes one long-time practitioner who has, over the

years, advocated what sort of procedures administrative agencies ought to follow. We have one former ICC bureau director, who had a major input in deciding how the agency would function. We have a federal judge who was in the role of deciding whether what the agency did was legal, and we have a distinguished administrative law professor who is in the role of deciding whether the ICC and the courts were right or wrong!

As our lead speaker this morning, we are deeply honored to have with us the Honorable John R. Brown of the Fifth Circuit Court of Appeals.

Judge Brown received his bachelor's degree from the University of Nebraska and his J.D. from the University of Michigan and then went to Houston, Texas, where he practiced with Royston and Rayzor for a number of years. Quite fittingly, Judge Brown specialized in his private practice in transportation, maritime and admiralty law.

Interestingly enough, we were chatting this morning, and Judge Brown was reminiscing to me about his own memories of arguing cases before the Interstate Commerce Commission.

He was appointed to the Fifth Circuit by President Eisenhower in 1955 and became Chief Judge of the Fifth Circuit in 1967, a position that he held until 1979. He is now a Senior Judge of the Fifth Circuit, is still very active and has been a participant and, indeed, an author of a number of key decisions involving review of decisions of the interstate Commerce Commission.

It is a very great pleasure to me to be able to present to you, Judge John Brown.