

**Book Review – Richard J. Maiman, *A Man for All Branches: Judge Frank M. Coffin of Maine* (Tower Publ'g ed. 2022).**

**Reviewed by: Tim Fadgen<sup>1</sup>**

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Former First Circuit Court of Appeals Chief Judge and Maine native Frank M. Coffin defined judges as “lawyers who were once advocates, whose job now is to decide among advocates, and who, in the process of deciding, will advocate their position to their colleagues.”<sup>2</sup> Judge Coffin was far more than “once an advocate”—also a Member of Congress, Maine Gubernatorial candidate, and executive branch official, not to mention dedicated journal keeper, writer, sculptor, and painter. These and other aspects of Coffin’s remarkable life are the subject of Richard Maiman’s recent book, *A Man for All Branches: Judge Frank M. Coffin of Maine*.

The author is Professor Emeritus of Political Science at the University of Southern Maine with a deep interest in the work of judges and lawyers. His previous book, *Divorce Lawyers at Work*,<sup>3</sup> written with Lynn Mather and Craig McEwen, identified themes of collegiality and community as important elements of New England family lawyers’ daily work. These themes are the heart of *A Man for All Branches*, which explores the attributes that made Judge Coffin a model, not just for the practice of law or judging, but for living what he referred to as a “balanced life.”<sup>4</sup> Achieving such balance is a challenge not only in life, but also for the author, given Coffin’s life spanned the major social and cultural milestones of the twentieth century, and this proved to be a test Maiman has more than met.

The book is roughly divided into three parts. The first presents Coffin’s birth and early life in Maine, his academic success, first at Bates College and later at Harvard Law School. After a brief but auspicious stint as a Maine lawyer, Coffin entered politics, helping to revive the Maine Democratic party. He was elected a Democratic member of Congress for Maine’s Second District and then ran an unsuccessful campaign for governor in 1960. The second part of the book begins with Coffin’s move to the executive branch. President Kennedy appointed him to the Development Loan Fund, then part of the United States foreign aid apparatus, which later merged into what would become today’s United States Agency for International Development (USAID). This experience opened his eyes to the many turf wars often embedded within the machinery of government. Actors charged with implementing policy became bogged down in protecting their respective portfolios. These, along with his later role as the United States Permanent Representative to the Development Assistance Committee of the OECD in Paris, taught Coffin the importance of pragmatism and collegiality in resolving disputes. He continued in this capacity until a First Circuit Court of Appeals vacancy opened in 1964, and Senator Edmund Muskie was determined that it be filled by a Mainer.

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<sup>2</sup> FRANK M. COFFIN, A LEXICON OF ORAL ADVOCACY 4 (Nat’l Inst. for Trial Advoc. ed. 1984).

<sup>3</sup> LYNN MATHER ET AL., DIVORCE LAWYERS AT WORK: VARIETIES OF PROFESSIONALISM IN PRACTICE (Oxford Univ. Press ed. 2001).

<sup>4</sup> RICHARD J. MAIMAN, A MAN FOR ALL BRANCHES: JUDGE FRANK M. COFFIN OF MAINE 461 (Tower Publ’g ed. 2022).

The book's third part, running roughly half its length, deals almost exclusively with Coffin's judicial career. Through the decades covered, the book provides perspective on the inherently political nature of the American judicial system. When Coffin became a judge in 1965, it was at a time when the progressive or liberal judicial principles were on the rise. In the decades that followed, however, membership on the U.S. Supreme Court and on many of the federal circuit courts took on a far more conservative hue. In this increasingly conservative jurisprudential environment, Coffin would find many of his decisions reversed or vacated, including issues important to him such as the rights of the accused, prisoners' rights, and other civil liberties issues.

Here, Maiman notes that while there has been a rise in the primacy of ideology for the appointment of federal judges, almost none of these appointees have served in elective office or even as political appointees. Maiman argues that this ideological litmus test, coupled with a dearth of previous government experience, has led to more ideological and fewer pragmatic decisions. Coffin believed that mixing members of the court along ideological lines offered the strongest possibility of reaching just decisions. He decried the worst excesses of sternly ideological approaches to decision-making during his own tenure when he observed some judges behaving like "politicians in robes."<sup>5</sup> The corrosive potential of such an approach to decision-making and rule of law may help explain why only a quarter of Americans voice confidence in the Supreme Court's decision-making.<sup>6</sup>

Also transcending judicial ideology were Coffin's many efforts to improve the broader justice system beyond the confines of caselaw. The author considers Coffin's activities to draw public attention to adequately fund legal services for the poor. Coffin's political and institutional experience—most notably his ability to form partnerships where he saw a need—was on full display. The list of achievements here is staggering to anyone familiar with the Maine justice system. Coffin supported the Maine Bar Foundation, Pine Tree Legal Assistance, and the creation of the Equal Justice Project, which in turn led to advocacy for refugees and immigrants in Maine and the creation of the Coffin Family Law Fellows. Along the way, we also learn much about Coffin as a considerate and efficient manager of the First Circuit and of his own chambers. The love and dedication voiced by his clerks and former colleagues shines through these pages and speaks volumes to Coffin's most enduring legacy.

One might wonder whether, after witnessing so much judicial and social change—to the left and then to the right of the political spectrum—over the course of his long life, Coffin became disillusioned with the public and public service. Maiman concludes that Coffin never wavered from his optimism in the American institutions of government. Throughout his life, Coffin maintained the belief that the informed citizen was central to civic life, and more importantly that such public education on policy matters was possible.

This faith in the decency and collective wisdom of the American public and the responsibility of those in government to inform and to strive towards justice is a thread running throughout Coffin's life. His pragmatism was anchored to the view of judging that there was seldom one "right" legal answer to most any set of facts, but instead a multitude of answers. In Coffin's view, it is the responsibility of those in positions of power to act reasonably and perhaps

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<sup>5</sup> *Id.* at 560.

<sup>6</sup> Jeffrey M. Jones, *Confidence in U.S. Supreme Court Sinks to Historic Low*, GALLUP (June 23, 2022), <https://news.gallup.com/poll/394103/confidence-supreme-court-sinks-historic-low.aspx> [<https://perma.cc/WB6T-G9E8>].

above all else, to act collaboratively and to reach just outcomes. It is in this spirit of comity and cohabitation that we might find room for Frank Coffin's legacy. Fortunately for us, we now have Richard Maiman's excellent book to help access the example that Coffin's life provides.