

INTRODUCTION: THE FEDERAL COURTS AND MINNESOTA

On May 11, 1858, Congress admitted the State of Minnesota to the Union. The same Act which transformed a large part of the Minnesota Territory into a state also established the United States District Court for the District of Minnesota.

UNITED STATES DISTRICT COURTS CONSTITUTIONAL BASIS

The United States District Court for the District of Minnesota is part of the federal system of courts provided for in Article III of the Constitution of the United States. (Proposed by Convention on September 17, 1787, and effective on March 4, 1789.) Section 1 of Article III declares:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

U.S. Constitution, Art. III, 1.

The Constitution itself did not create any federal courts besides the Supreme Court, but it did allow the Congress to establish lower federal courts. The first Congress did precisely that in the Judiciary Act of 1789. The Act created 13 district trial courts in the then existing 11 states. Two states had two districts, while the remaining nine each had one district. The Act started a tradition that remains in effect today: no federal judicial district crosses state boundaries.

At present, 94 federal district courts exist: 89 in the 50 states, one each in the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. Every state has at least one federal district court, and some states have as many as four. In states with more than one district, each district covers a designated geographical area. District courts are part of a circuit in which appeals are taken. Most circuit courts are regional; the District Court in Minnesota is currently part of the Eighth Circuit, which in addition to Minnesota, encompasses courts in North and South Dakota, Iowa, Nebraska, Missouri, and Arkansas.

JURISDICTION OF THE FEDERAL COURTS

Federal courts are courts of limited jurisdiction, which means they handle only certain types of cases. Article III of the U.S. Constitution sets forth the kinds of cases federal courts can hear, but Congress determines whether the federal courts will handle cases to the full extent of this constitutional authority. Congress did not give the federal district courts jurisdiction over cases to the full extent of their constitutional authority until 1875. Since that time, the jurisdiction of the federal district courts has remained essentially the same.

The federal district courts hear both civil and criminal cases. Criminal cases which concern only state laws are resolved in the state courts. The criminal cases federal courts handle involve violations of federal law, such as kidnapping, mail fraud, racketeering, bank robbery, sale of prohibited drugs, and conspiracy. Criminal cases are brought by the United States Attorney for the District of Minnesota or the United States Department of Justice. The Constitution requires that felony charges be approved by a grand jury and that defendants have a right to legal counsel and a right to a speedy trial. The District Court in the District of Minnesota also has jurisdiction over major crimes committed in what Congress has described as Indian Country. By law, Native reservations may choose federal jurisdiction over major crimes with lesser crimes prosecuted in tribal court. As a result, the District Court has a significant number of Indian country criminal cases.

Federal district courts also handle civil cases which are disputes between individuals, corporations, government agencies, or other entities for which federal jurisdiction is provided by law. The civil matters heard by federal courts include cases involving the United States Constitution, cases in which the United States government is a party, and cases involving violations of federal laws passed by the United States Congress. Such jurisdiction is referred to as “federal question jurisdiction.” Some of the more frequent federal laws involved in civil cases are laws preventing discrimination in employment on the basis of race, religion, sex, or age; civil rights laws; securities laws, such as those regulating corporate take-overs and the sale of stock; anti-trust laws; and laws protecting intellectual property such as patents, trademarks, and copyrights.

The federal courts also handle civil cases which involve disputes between citizens of different states where more than \$75,000 is at stake. These cases come under the court’s “diversity jurisdiction.” The framers of the Constitution created diversity jurisdiction because of their concern that residents suing parties from other states in the resident’s own state court might have an unfair advantage. The framers intended that federal judges would be independent of local pressures or attitudes. The Court’s caseload has always varied with the times, reflecting societal issues and events. For example, during Prohibition, many cases concerned enforcement of the liquor laws. Similarly, during the Vietnam War, the Court heard controversial cases involving draft protestors. That same time period brought increased awareness of civil rights, along with a corresponding increase in the number of cases relating to equal protection and discrimination.

The federal judges do not choose which suits they would like to hear, nor may a party ask for a particular judge. Rather, cases are randomly assigned to the judges by the Clerk of Court. When a party files a case, it is classified according to the types of issues involved in the case. Cases are

then randomly assigned by category, ensuring that all judges hear all types of cases and the caseload for each judge is equalized.

Judicial independence is not only important for diversity cases, but also for enforcing federal rights when public opinion may be against such endorsement. For example, federal judges have enforced anti-discrimination laws when racial tensions have run high in local communities.

The ability of a federal judge to be independent comes from Articles II and III of the Constitution. Unlike the judges of many state courts, federal judges are not elected by the voters of a state or district. Rather, Article II provides that the President shall appoint federal judges “with the advice and consent of the Senate.” Although the Constitution does not provide any more specificity to the appointing process, several procedures have developed. The Department of Justice and White House staff help the President consider potential nominees who may be proposed by Senators or others. The Federal Bureau of Investigation investigates the background of each nominee for the federal bench, and the American Bar Association evaluates the nominee’s qualifications. In addition, the Senate Judiciary Committee conducts a hearing and votes on each judicial nomination and makes a report to the full Senate. A majority vote of the Senate must confirm the President’s selection before he or she becomes a judge.

Other provisions to promote an independent federal judiciary are found in Article III. Once appointed and confirmed, a federal judge cannot be removed from office unless impeached for a crime or other high offense. Federal judges thus have their jobs for life; this is referred to as life tenure. The Constitution also provides that Congress cannot lower the salary of federal judges once they are in office. These provisions were intended to permit federal judges to make decisions without fear of reprisal from a reduction in salary or removal from office.

Assisting the life-tenured federal judges are two other types of federal judicial officers: magistrate and bankruptcy judges. Congress created these positions pursuant to its legislative powers in Article I, so they do not have all the characteristics of a judicial position created under Article III.

Many judges, including the judges in the District of Minnesota, serve in governing positions in the federal judiciary, which is overseen by the United States Judicial Conference, chaired by the Chief Justice. Conference committees determine proposed policies and rules for the judiciary which are approved by the Conference. Staff support for the policy work is provided by the Administrative Office of the United States Courts in Washington, D.C.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Since its inception in 1858, the United States District Court for the District of Minnesota has served the entire state. The district originally had only one federal judge, but it now has 7 full-time district judges and 8 judges on senior status. When a judge takes senior status, the judge is no longer required to take a full caseload but may choose to work full time. Age and years of service determines when senior status may be taken. Additionally, the district currently has seven full-time and one part-time magistrate judges, and four full-time bankruptcy judges.

Judges chamber in the Diana E. Murphy United States Courthouse in Minneapolis (300 South Fourth Street), the Warren E. Burger Federal Building and United States Courthouse in St. Paul (316 North Robert Street), or the Gerald W. Heaney Federal Building and United States Courthouse and Customhouse in Duluth (515 West First Street). Judges also hear cases at the Edward J. Devitt United States Courthouse and Federal Building (118 South Mill Street) in Fergus Falls, the Beltrami County Courthouse (600 Minnesota Avenue NW) in Bemidji and occasionally elsewhere in the state.

By law, the District Court is divided into six regional divisions. Two of the divisions, with headquarters in Mankato and Winona, have been closed and folded into the Minneapolis and St. Paul divisions. The two northern Minnesota divisions, headquartered in Duluth and in Fergus Falls, remain open.

Diana E. Murphy United States Courthouse, 300 South Fourth Street, Minneapolis (opened in 1997)



Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul (opened in 1967)



Gerald W. Heaney Federal Building and United States Courthouse and Customhouse, 515 West First Street, Duluth (opened in 1929)



Edward J. Devitt United States Courthouse and Federal Building, 118 South Mill Street, Fergus Falls (opened in 1902)



United States District Court Judges



Left to right back row, United States District Judges Susan Richard Nelson, Donovan W. Frank Michael J. Davis, Paul A. Magnuson, Donald D. Alsop, Davis S. Doty, Ann D. Montgomery, and Joan N. Ericksen. Left to right front row, United States District Judges Kate M. Menendez, Eric C. Tostrud, John R. Tunheim, Patrick J. Schiltz, Wilhelmina M. Wright, Nancy E. Brasel, and Jerry W. Blackwell.

United States Magistrate Court Judges



Left to right back row, United States Magistrate Judges Jon T. Huseby, Elizabeth Cowan Wright, David T. Schultz, and John F. Docherty. Left to right front row, United States Magistrate Judges Tony N. Leung, Leo I. Brisbois, and Dulce J. Foster

United States Bankruptcy Court Judges



Back Row, United States Bankruptcy Judges William J. Fisher and Michael E. Ridgway
Front Row, Keshia L. Tanabe and Katherine A. Constantine

Judges Who Have Served on the United States District Court for the District of Minnesota

The judges who have served on the federal district court in Minnesota have diverse backgrounds, experiences, and interests. Two district judges were immigrants: Judge William Lochren and Gunnar Nordbye came from Ireland and Norway, respectively. The first native Minnesotan, John B. Sanborn, did not take the bench until 1925, some 67 years after the federal court in Minnesota was established. Many of the early judges did not attend law school, but “read law” in law offices. The first three judges were educated this way, and a law school graduate did not take the bench until 1908. One judge, Milton Purdy, served an interim appointment, but failed to be confirmed by the United States Senate. Judge Purdy went on to serve as a United States District Judge in Shanghai, China, however. Another judge also served abroad; Judge Charles Willard was an Associate Justice of the Supreme Court of the Philippines from 1901-1904. Three other district judges, Wilbur Booth, John Sanborn, and Diana E. Murphy were later appointed and served on the Eighth Circuit Court of Appeals.

The judges have also had some similarities in their backgrounds. Twenty judges served as judges in state court before being appointed to the federal bench. A number served as United States Attorney or as an Assistant United States Attorney. Another common thread running through the judges’ lives is military service. Judge Lochren, for example, fought in the Battle of Gettysburg. Judges Edward Devitt, Earl Larson, Donald Alsop, Harry MacLaughlin, and Robert Renner were in military service during World War II, while Judge David Doty served during the Korean War. Judge Devitt received a Purple Heart for injuries sustained during an air attack in World War II. One characteristic which the judges shared until 1980 was that they were all male. Only when Judge Diana E. Murphy was appointed in that year did a woman enter the group. Since then, six of the sixteen appointments to the bench have been women.

Since 1858, all judges, no matter what their background or interests, shared one overriding concern: to dispense justice fairly and competently.

Rensselaer R. Nelson



Rensselaer R. Nelson became the first United States District Judge for the District of Minnesota on May 20, 1858, the same year that Minnesota became a state. Appointed by President James Buchanan, Judge Nelson served 38 years on the bench. During this time, Minnesota was transformed from a relatively unoccupied wilderness into a settled and organized state.

Born on May 12, 1826, in New York, Judge Nelson was the son of a noted jurist, the Honorable Samuel Nelson who served on the United States Supreme Court. Judge Rensselaer Nelson graduated from Yale University in 1846. As was then the custom, he “read law” in New York and qualified for the bar in 1849. On the advice of friends, he decided to practice law in the undeveloped territory of Minnesota, arriving in St. Paul on May 12, 1850.

In April 1857, Judge Nelson was appointed an Associate Justice of the Supreme Court of the Territory of Minnesota, a position he held slightly less than one year. During his service on the territorial court, Judge Nelson was presented with an issue of great public interest: an application for mandamus arose to determine whether the territorial legislature’s attempt to move the state’s capitol from St. Paul to St. Peter was valid. Judge Nelson wrote a detailed opinion denying the writ.

When the United States District Court for Minnesota was created on May 11, 1858, Judge Nelson was appointed to the court. This new position required him to travel since court was originally held in Preston and St. Paul and later in St. Paul and Winona. The business of the court increased over the years, but most of Judge Nelson’s decisions were unpublished. Some charges to grand juries, principally in the Civil War years, are preserved.

Judge Nelson retired in 1896 at age 70.

William Lochren



William Lochren succeeded Judge Nelson on May 18, 1896. He was appointed by President Grover Cleveland.

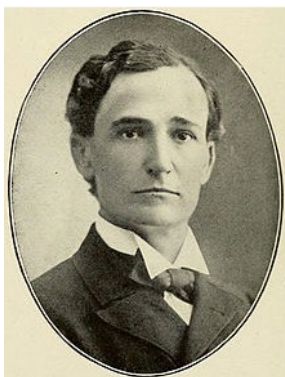
An immigrant from Ireland, Judge Lochren worked in the mills in Vermont before he was admitted to the bar in 1856. Like many others in his time, he studied alone and read law to become a member of the bar.

In 1856, Judge Lochren moved to Minnesota and entered private practice. His practice was interrupted by the Civil War. Judge Lochren served three years in the Union Army, rising to the position of Regimental Adjutant. He fought in the Battle of Gettysburg before returning to Minneapolis and civilian life.

Judge Lochren later held several public offices. He served as a member of the Minnesota State Senate, Judge of the Fourth Judicial District of Minnesota, and United States Commissioner of Pensions before he was appointed to the federal district court.

Judge Lochren sat for 12 years until April 3, 1908. Many of his decisions were given orally from the bench and involved charter rights for the railroads and corporate regulation.

Page Morris



On March 9, 1903, Page Morris was appointed to the newly created second judgeship in the District of Minnesota by President Theodore Roosevelt.

Born in Lynchburg, Virginia in 1853, Judge Morris graduated from the Virginia Military Institute in 1872. After graduation, Judge Morris taught for seven years at several colleges, including the Virginia Military Institute, Texas Military Institute, and the Agriculture and Mechanical College of Texas. He then read law and was admitted to the Virginia Bar in 1880.

Judge Morris later moved to Duluth, Minnesota, where he became City Attorney. He also served as a municipal and state court judge. In 1897, Judge Morris was elected to Congress, where he served until 1903. While there, he helped enact the Panama Canal legislation.

At the end of his term in Congress, Judge Morris was appointed to the federal bench. He principally held court in Duluth, the first district judge to chamber in Duluth. A support staff was lacking, and he did not even have a secretary at the beginning of his 20 years on the federal bench.

Judge Morris heard many cases concerning the introduction of liquor into Indian territory and, after 1917, Prohibition. He had a reputation for imposing severe fines, but many who practiced before Judge Morris referred to him as a "Virginia gentleman."

Judge Morris loved to hunt in his spare time and sometimes kept his bird dogs with him in chambers. He retired from the bench in 1923.

Milton D. Purdy



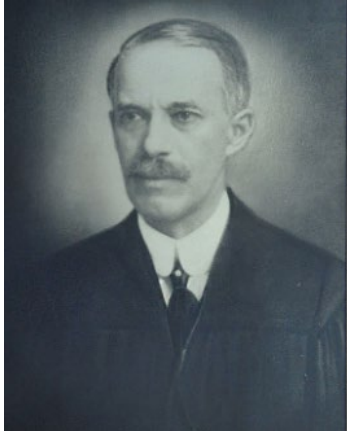
Milton D. Purdy succeeded Judge Lochren in the first judgeship on July 6, 1908. President Theodore Roosevelt appointed him during a Congressional recess, called a “recess appointment,” but he only served nine months because the Senate ultimately did not confirm his appointment. Recess appointments allow a judge to serve in office until the Congress next meets and decides whether to confirm the already serving judge.

Judge Purdy was born in Ohio on November 3, 1866. After graduating from high school, he taught school for two years. He then learned and practiced the craft of pottery before coming to Minnesota to finish his education. Judge Purdy graduated from the University of Minnesota Law School in 1892.

Judge Purdy worked as Assistant County Attorney before serving as United States Attorney. He also was an Assistant to the Attorney General of the United States before being appointed to the federal bench.

After his short tenure on the bench in Minnesota, he served as Judge for the United States District Court of Shanghai, China until 1934, where the United States had temporary jurisdiction.

Charles A. Willard



Charles A. Willard was appointed to the bench to replace Judge Purdy on May 18, 1909, by President William Howard Taft. He served for five years.

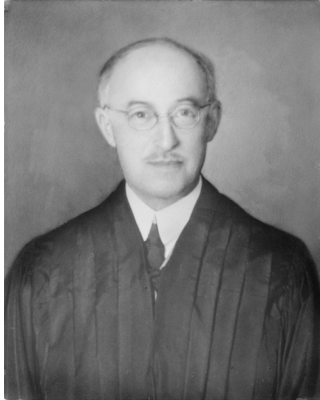
Born in Vermont in 1857, Judge Willard graduated from Dartmouth College. He received a L.L.B. at Boston University and a Doctor of Laws degree from Dartmouth.

After lecturing and practicing law in Minnesota from 1882 to 1901, Judge Willard moved half-way around the world to serve on the Supreme Court in the Philippine Islands, an American territory at the time. Except for one year when he returned to practice law in Minnesota, he served as an Associate Justice in the Philippines until 1909. He adapted the existing Spanish Code in the Philippines to an Americanized version.

While in the Philippines, Judge Willard became good friends with the Governor of the Philippines, William Howard Taft. When Taft became President, he appointed his friend Judge Willard to the federal bench.

Judge Willard usually sat in St. Paul. In this period before World War I, Minnesota was being rapidly settled, and Judge Willard heard many real estate disputes.

Wilbur F. Booth



Wilbur F. Booth succeeded Judge Willard on the federal bench in 1914. Appointed by President Woodrow Wilson, he served the district for 11 years before he was appointed to the Eighth Circuit Court of Appeals.

Judge Booth was born in Connecticut on August 22, 1861. He graduated from Yale Law School and eventually came to Minnesota in 1889. Judge Booth was in private practice until May 20, 1909, when he was appointed to the district bench in Hennepin County. After five years there, he was named to the federal bench. He was widely regarded for the quality of his service to the federal courts.

John F. McGee



Photograph by the Lee Brothers

Appointed by President Warren G. Harding in 1923, Judge John F. McGee was the first to occupy the newly created third judgeship in the District of Minnesota. He served only two years.

Judge McGee was a long-time resident of Minnesota. During World War I, he was a member of the Minnesota Public Safety Commission, which adjudicated wartime threats. He also was a prosecuting attorney and a judge of the Minnesota District Court in Hennepin County.

In his spare time, Judge McGee was an avid historian of the Civil War. One Minneapolis editorial writer complimented him by stating:

Judge McGee's study of the Civil War was merely an avocation in a busy life. But the knowledge he fished up out of all sorts of sources was none of it secondhand, and it was simply extraordinary, a marvelous intellectual performance both in way of research and memory.

Judge McGee met a tragic end in 1925 when he died in the courthouse by his own hand.

William A. Cant



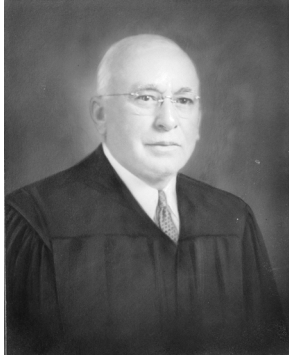
William A. Cant succeeded Judge Page Morris in 1923 in the second judgeship. Appointed by President Warren G. Harding, he served on the federal bench until his death in 1933.

Judge Cant was born in Wisconsin on Christmas Day in 1863. After graduation from the University of Michigan Law School, he opened a law office in Duluth in 1886. Judge Cant served in the Minnesota Legislature in 1894. In 1895, he was elected Duluth's City Attorney. Judge Cant was subsequently elected to the bench of the Minnesota District Court for the Eleventh Judicial District. He served there until appointed to the federal bench.

Judge Cant was innovative when handling criminal cases. He was instrumental in introducing the nationally adopted presentence investigation for defendants convicted of crimes. Many of his ideas are embodied in present procedures where probation officers investigate a defendant's progress after sentencing. Judge Cant served during Prohibition, and Justice Harry

A. Blackmun of the United States Supreme Court recalls that he “can still see Judge Cant calling the Minnesota calendar of prohibition violators.”

Joseph W. Molyneaux



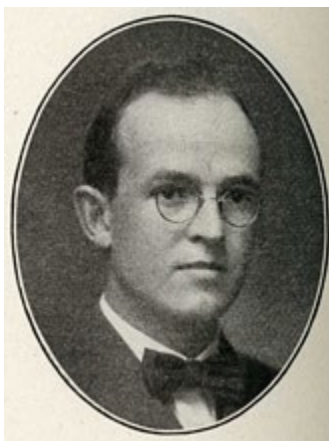
Joseph W. Molyneaux succeeded Judge McGee on the federal bench on March 18, 1925. He was appointed by President Herbert Hoover.

Judge Molyneaux was born in Bellevue, Kentucky. He received his law degree from the University of Cincinnati and passed the Minnesota bar in 1884. Judge Molyneaux practiced privately for almost 30 years before being appointed to the Minnesota District Court in Hennepin County in 1913. He served there until appointed to the federal bench.

Many of the cases Judge Molyneaux presided over concerned emergency legislation enacted to cope with the Depression. He also presided over Prohibition violations and the highly visible securities fraud trial of W.B. Foshay, a well-known Minneapolis business owner.

Judge Molyneaux retired after 13 years of service on the federal bench at age 76.

John B. Sanborn



John B. Sanborn was appointed by President Calvin Coolidge in March 1925 to succeed Judge Booth. He was the first native Minnesotan to serve on the court. He sat as a federal trial judge until 1932, when he was appointed to the United States Court of Appeals for the Eighth Circuit where he served for 32 years.

Judge Sanborn was born into a prominent Minnesota family in 1883. His father, General John B. Sanborn, was in command of the Minnesota Fourth Regiment during the Battle of Vicksburg in the Civil War. His cousin, Walter H. Sanborn, served on the United States Court of Appeals for the Eighth Circuit for many years.

A graduate of the St. Paul College of Law, Judge Sanborn held a variety of public positions. He was a state legislator, the Minnesota Insurance Commissioner, and a member of the Minnesota Tax Commission before he was appointed to the state district court. Judge Sanborn presided there three years before being appointed to the federal bench.

One of Judge Sanborn's law clerks was Harry A. Blackmun, who went on to serve on the United States Supreme Court. Justice Blackmun recalls that he revered Judge Sanborn:

So far as I am concerned, John Sanborn should have come to Washington, not I. He had all that it takes to make a fine Justice of this Court – patience, good judicial reaction, a feel for the jugular, and the ability to write directly and to the point.

Justice Blackmun also remembers that Judge Sanborn was a great storyteller. Judge Sanborn inherited Judge McGee's secretary who was a spiritualist who soon told him that she had been in contact with her old boss and that he did not like the way Judge Sanborn was deciding cases.

Judge Sanborn retired from the Eighth Circuit Court of Appeals in 1959 but continued to serve as a Senior Judge on the Court of Appeals until his death in 1964.

Matthew M. Joyce



Matthew M. Joyce was appointed by President Herbert Hoover in 1932 to succeed Judge Sanborn. He served on the federal bench until he retired in 1954.

Born in Emmetsburg, Iowa, Judge Joyce attended two years of law school at the University of Michigan. The summer before his final year he took and passed the Iowa bar examination and decided he could not afford to return to graduate. He was the last federal judge without a law degree, but in 1944 the University of Michigan awarded him a degree as a member of the class of 1901.

Judge Joyce practiced law in Minnesota, Montana, Iowa, and New York before becoming General Counsel for the Minneapolis and St. Louis Railroad. He worked at that position until he was appointed to the federal bench.

Justice Harry A. Blackmun, who watched Judge Joyce in action, commented that “with his white hair, he looked and glowered like the fictional federal judge, but he was an affable Irishman who worked hard at what he did.”

Judge Joyce presided over some dramatic criminal trials, including the prosecution of the kidnapers of brewery heir William Hamm. He also heard cases involving notorious gangsters like Roger Touhy and Arthur (Doc) Barker.

Robert C. Bell



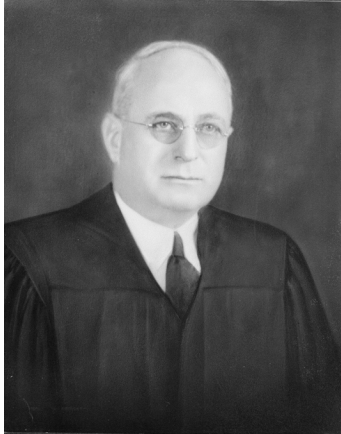
Robert C. Bell was appointed by President Franklin D. Roosevelt in 1933 to succeed Judge Cant. He served almost 28 years on the federal bench, retiring in 1961.

Judge Bell was born on a farm in Missouri. After graduating from the University of Missouri Law School in 1908, he practiced law for eight years in St. Joseph, Missouri.

Judge Bell held a variety of public positions before taking the bench. He first was appointed to serve as one of the primary investigators of the “Teapot Dome” scandal in the Harding

Administration as a Special Assistant Attorney General. In his role as special investigator, he came to Minnesota to gather evidence. He was so taken with the state that he later moved to Detroit Lakes, Minnesota where he served as Commissioner of Indian Affairs. He was then elected to the state senate. He is credited with introducing the state's first income tax law.

George F. Sullivan



George F. Sullivan was appointed by President Franklin D. Roosevelt, succeeding Judge Molyneaux on the federal bench in 1937.

Born in Shakopee, Minnesota, Judge Sullivan was the second judge in the court to be a native Minnesotan. He received his law degree from the University of Minnesota and began practice as City Attorney in Jordan, Minnesota. Later he became Scott County Attorney.

Judge Sullivan continued his career as United States Attorney for the District of Minnesota. He supervised a series of major criminal prosecutions, including those against gangsters Ma and Doc Barker and Alvin "Creepy" Karpis.

After four years of prosecuting federal cases, Judge Sullivan began to preside over them in 1937. He served on the bench until his death in 1944.

Gunnar H. Nordbye



Gunnar H. Nordbye was appointed by President Herbert Hoover on March 18, 1931, during a Congressional recess. He was not confirmed by the Senate until almost one year later due to political maneuvering.

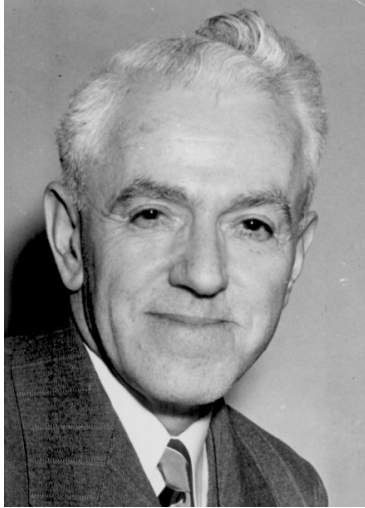
Judge Nordbye was born in Norway but immigrated to the United States with his mother at age three. His Norwegian heritage later attracted attention due to his habitual Norwegian toast to the sun at the annual Eighth Circuit Judicial Conference. According to a fellow federal judge, Judge Nordbye's unusual ritual involved climbing onto a rooftop at dawn, downing a shot of liquor, saluting the sun, and exhorting the troops in Norwegian.

Judge Nordbye graduated from the University of Minnesota Law School and practiced privately in Minneapolis for ten years before beginning his judicial career as a judge of the Minneapolis Municipal Court. After three years on that court, he was appointed a Minnesota District Court Judge where he served until appointed to the federal bench.

Including his service on senior status, Judge Nordbye served on the federal bench for 46 years, earning the title "Grand Seigneur" of the District Court. He personally knew 19 of the 20 federal judges who had presided since Minnesota's statehood.

Judge Nordbye was recognized as one of the country's outstanding trial judges. Justice Harry A. Blackmun writes that he has "always regarded Gunnar as one of the finest federal trial judges I have ever known...I never failed to be amazed at his ability to comment on the evidence and yet stay entirely neutral."

Dennis F. Donovan

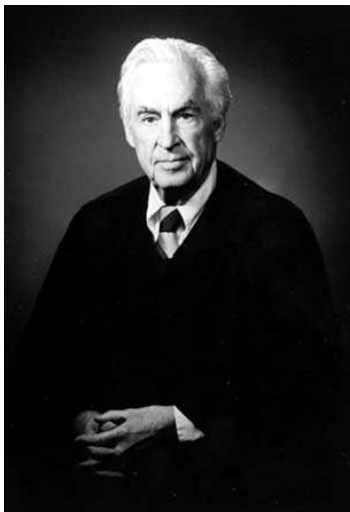


Dennis F. Donovan was appointed by President Harry S. Truman in 1945 to fill the vacancy left by Judge Sullivan who died a year earlier. Judge Donovan almost did not get the position, however, for President Roosevelt apparently had chosen a different candidate. But Roosevelt died after the vacancy opened in 1944, leaving President Truman free to choose his own nominee, Judge Donovan.

Judge Donovan was born in Ironwood, Michigan. Like two other District of Minnesota federal judges, he graduated from the University of Michigan Law School. Judge Donovan moved to Duluth in 1913. He eventually practiced law and represented the Oliver Mining Company.

After his appointment to the federal bench, Judge Donovan was chambered in Duluth but sat frequently in St. Paul. He served on the federal bench until he retired in 1965.

Edward J. Devitt



Edward J. Devitt was appointed to the federal bench by President Dwight D. Eisenhower in 1954. He became Chief Judge in 1957 and, in the days before the law stipulated seven-year terms for chief judges, served in that capacity until taking senior status in 1981.

Judge Devitt was born in St. Paul in 1911. After receiving his law degree from the University of North Dakota, he served as a Municipal Judge in East Grand Forks, Minnesota. He also taught at the University of North Dakota Law School. In 1939, Judge Devitt moved to St. Paul to serve as Assistant Minnesota Attorney General. World War II interrupted his legal career, and he became a Lieutenant Commander in the Navy. Serving as an Intelligence Officer on a naval destroyer, he was injured during an air raid on his ship. Judge Devitt received a Purple Heart for his wounds.

He retired to less hazardous public service by teaching at the St. Paul College of Law in 1946 and serving in the United States House of Representatives from 1947-1948. After his congressional term, Judge Devitt practiced in St. Paul until 1950, when he was elected Ramsey County Probate Judge. He served there until appointed to the federal bench.

Through his prolific writings and legal innovations, Judge Devitt worked to improve the quality of federal court practice. He co-authored the widely used reference work "Federal Jury Practice and Instructions." He also was the first judge to use a six-person jury in civil trials, rather than the previous 12-person juries. This change not only saved money for taxpayers but resulted in speedier federal trials. Today, many United States District Courts have adopted the six-person rule which judges are free to use in civil cases.

Judge Devitt was active in several organizations devoted to improvements in the justice system. He chaired and served on many committees of the American Bar Association and the Judicial Conference of the United States.

In 1981, the Edward J. Devitt Distinguished Service to Justice Award was created by the West Publishing Company (now Thomson Reuters) to honor an outstanding federal judge each year.

Earl R. Larson



Earl R. Larson was appointed by President John F. Kennedy in 1961 and served 16 years before taking senior status in 1977. As a Senior Judge, he handled district court cases and sat frequently on the Court of Appeals.

Born in Minneapolis, Minnesota, Judge Larson attended the University of Minnesota as an undergraduate and a law student. He was President of the All-University Student Council in 1934-35. He also became an outstanding amateur golfer, reaching the fourth round of the United States Amateur Golf Tournament in 1954 and winning many tournaments.

Judge Larson practiced privately for five years before being appointed Assistant United States Attorney. He entered the United States Navy in 1942 where he did air intelligence work, earning him the rank of Lieutenant Senior Grade.

When the war ended, Judge Larson helped found the Minneapolis law firm Larson, Loevinger, Lindquist, Freeman, and Fraser (today called Ballard Spahr). The law firm's alumni included: Orville L. Freeman, former Governor of Minnesota and United States Secretary of Agriculture; Walter F. Mondale, Vice-President and United States Senator; Donald M. Fraser, United States Congressman and Minneapolis mayor; and Harry H. MacLaughlin, Minnesota Supreme Court Justice and United States District Court Judge.

While in practice, Judge Larson lectured in business law at the University of Minnesota. He also served as Chairperson of the Governor's Human Rights Commission from 1955 to 1960, the first state commission to address racial disparities in Minnesota.

Judge Larson was appointed to the federal bench during a time of growing awareness of discrimination and corresponding legal remedies. One of his most notable cases involved desegregation of the Minneapolis School District. After his initial decision established minority

enrollment goals for the district, Judge Larson kept jurisdiction of the case for approximately 12 years to modify the enrollment standards and to ensure compliance with the Court's rulings.

Miles W. Lord



Miles W. Lord was appointed to the federal bench by President Lyndon B. Johnson in 1966, succeeding Judge Donovan. He became Chief Judge in 1981 and served until he retired in 1985.

Born in Crow Wing County, Minnesota, Judge Lord earned his undergraduate and law degrees from the University of Minnesota. He worked his way through the University at such diverse jobs as janitor, postal clerk, night watchman, packing house worker, and "cat skinner" welder.

Judge Lord served as Assistant United States Attorney before being elected Minnesota's Attorney General in 1954. He successfully ran for re-election in 1956 and 1958.

Judge Lord returned to federal service when he was appointed United States Attorney for the District of Minnesota. He relinquished the role of chief federal prosecutor five years later when he was appointed to the federal bench.

Judge Lord tried many highly publicized cases during his tenure and often used innovative methods to manage his caseload. These included the use of two juries in a long antibiotics trial and extensive use of special masters.

Judge Lord re-entered private practice upon his retirement from the federal bench in 1985. He died in 2016.

Philip Neville



Philip Neville was appointed by President Lyndon B. Johnson in 1967 to succeed Judge Nordbye upon his taking senior status. He served until his death in 1974.

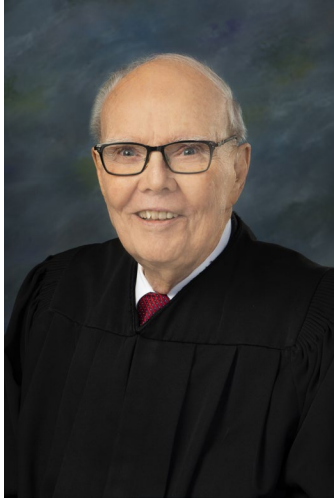
Judge Neville was born in Minneapolis, Minnesota, the son of an editorial writer for the Minneapolis Journal. He received his undergraduate and law school degrees from the University of Minnesota.

Following his graduation, Judge Neville clerked for Chief Justice John P. Devaney of the Minnesota Supreme Court. He then entered private practice.

While in private practice, Judge Neville was active in academics and in the bar. He taught law at the University of Minnesota and at the Minneapolis College of Law. He also served as President of the Hennepin County Bar Association and the Minnesota State Bar Association.

Judge Neville served as Municipal Judge in Edina, Minnesota, before being appointed United States Attorney for the District of Minnesota. He served there until his appointment to the federal bench. Judge Neville served as a federal district judge for seven years, braving a long period of illness before his death.

Donald D. Alsop



Donald D. Alsop was nominated for appointment to the federal bench by President Richard Nixon on August 8, 1974, and was commissioned by President Gerald Ford on December 20, 1974. He was among the last of President Nixon's nominations before Nixon's resignation and was fortunately supported by President Ford. He was Chief Judge from May 1985 to May 1992.

Judge Alsop was born on August 28, 1927, in Duluth, Minnesota. He grew up in Duluth and attended the Duluth public schools. In his youth, Judge Alsop worked as a caddy, sold shoes, poured hot tar, swabbed the decks of ships in Duluth harbor, and carried mail. After serving in the United States Army from 1945-1946, he attended the University of Minnesota – Duluth.

Judge Alsop graduated from the University of Minnesota Law School in 1952. While a law student, he served on the student editorial board of the Minnesota Law Review and was elected to the Order of the Coif.

Judge Alsop began his practice of law with the firm of Felhaber & Larson in St. Paul, Minnesota. In 1954, he moved to New Ulm, Minnesota, and joined the firm that became Gislason, Alsop, Dosland & Hunter. His practice centered on trial work. Judge Alsop was active in the community, serving as President of the Chamber of Commerce, Chairman of the area Red Cross chapter, and as a participating member of many other community organizations.

Judge Alsop was a partner in the New Ulm firm until he assumed the office of United States District Judge on January 17, 1975. During his judicial tenure, he has served on the Judicial Conference Committee to Implement the Criminal Justice Act, as President of the Eighth Circuit District Judges Association, and as a member of the Eighth Circuit Judicial Council.

Harry H. MacLaughlin



Harry H. MacLaughlin was appointed by President Jimmy Carter in 1977, succeeding Judge Larson after he took senior status. He was Chief Judge for a short time in 1992.

Judge MacLaughlin was born on August 9, 1927, in Breckenridge, Minnesota. He grew up in Wahpeton, North Dakota, where his father owned a small business. After graduating from high school, Judge MacLaughlin joined the U.S. Navy. He then became a student at the University of Minnesota and graduated in March 1949 from the School of Business Administration.

Judge MacLaughlin attended the University of Minnesota Law School, graduating in the top ten percent of his class in 1956. While in law school, he was a member of the editorial board of the Minnesota Law Review.

Judge MacLaughlin clerked for a justice of the Minnesota Supreme Court before entering private practice in 1956. He first practiced with the law firm of Larson, Loevinger, Lindquist, Freeman & Fraser. Within a short time, Judge MacLaughlin left that firm to form his own firm with Walter F. Mondale under the name MacLaughlin & Mondale.

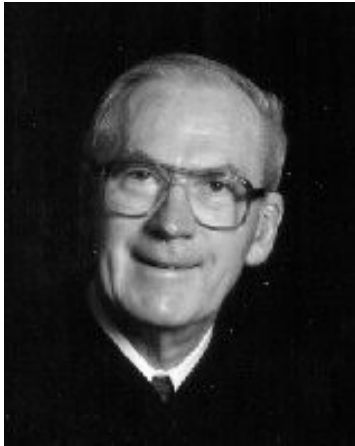
While practicing, Judge MacLaughlin taught law at the William Mitchell College of Law and was a member of the Moot Court Law Faculty at the University of Minnesota Law School.

In 1972, Judge MacLaughlin was appointed to the Minnesota Supreme Court. He served there until 1977, writing more than 250 opinions, signed and per curiam.

Judge MacLaughlin was then named to the federal bench. He assumed the office in a ceremony held in the Roosevelt Room of the White House where his close friend Walter Mondale was serving as Vice President of the United States.

Judge MacLaughlin was active in many legal and civic organizations. He served as a member of the Eighth Circuit Judicial Council and on several committees of the Council. He also served on several committees of the Minnesota State and Hennepin County Bar Associations, was a past member of the Minnesota State College Board, the Minnesota Judicial Council, the Minneapolis Charter Commission, and the National Advisory Council for the Small Business Administration. Judge MacLaughlin died in 2005.

Robert G. Renner



Robert G. Renner was appointed to the federal district court bench by President Jimmy Carter and took the oath of office on February 22, 1980.

Judge Renner was born in 1923 in Nevis, Minnesota, and raised in Walker, Minnesota. His college career at St. John's University was interrupted by World War II. Judge Renner enlisted in the Army on March 6, 1943, and was assigned as a corporal to a tank-destroyer battalion. He served on the European front and was honorably discharged on January 1, 1946

Judge Renner graduated from St. John's University in January 1947 with a B.A. in Economics. He started law school at Georgetown University in January 1947 and graduated in 1949. Judge Renner joined Ed Rogers, Minnesota's first Native American attorney, in private practice in January 1949 in Walker, Minnesota. He maintained a general practice during his years in Walker.

From 1957 to 1969, Judge Renner was a member of the Minnesota State Legislature representing Cass County. In August 1969, he resigned from the legislature to become the United States Attorney for Minnesota. He resigned from that position on June 3, 1977, to become a United States Magistrate Judge. He served as a Magistrate Judge until he was appointed to the federal bench in 1980. Judge Renner and his colleague, Judge Murphy, were appointed to fill two new judgeships created by Congress. Judge Renner died in 2005.

Diana E. Murphy



Diana E. Murphy became a United States District Judge in 1980. Appointed by President Jimmy Carter, she was the first woman to sit on the federal bench in Minnesota. She was the first female Chief Judge in the District of Minnesota and served in this role from 1992 to 1994.

Born January 4, 1934, in Faribault, Minnesota, Judge Murphy received most of her higher education at the University of Minnesota. She graduated with a B.A. magna cum laude in 1954 and a J.D. magna cum laude in 1974. Recipient of a Fulbright Scholarship, Judge Murphy did graduate work in history during the years 1954-1958, at the Johannes Gutenberg University in Mainz, Germany and at the University of Minnesota where she was a teaching assistant. Her academic honors included Phi Beta Kappa, Order of the Coif, and membership on the editorial board of the Minnesota Law Review.

Before being appointed to the federal bench, Judge Murphy was a state trial judge. She served on the Hennepin County Municipal Court from 1976-1978, and the Hennepin County District Court from 1978-1980. She previously practiced law in the litigation area with Lindquist & Vennum in Minneapolis.

Judge Murphy was active in a wide variety of organizations devoted to the law and improvements in the justice system. She was Vice President and a member of the Executive Committee and the Board of Directors of both the American Judicature Society and the Federal Judges Association. She was a member of the American Law Institute, a Fellow of the American Bar Foundation, and a member of the National Association of Women Judges. She also served on national and state bar association boards and committees. She was Chair of the Minneapolis Charter Commission and of Operation De Novo (pretrial diversion program) and a member of the Minnesota Constitutional Study Commission.

During her tenure on the federal district court, Judge Murphy organized several projects. She worked with members of the bar to form and train a panel of lawyers willing to represent pro

se plaintiffs in civil rights cases. She also co-chaired a bicentennial committee to commemorate the 200th anniversary of the United States Constitution. In 1994, she was the first woman appointed to the Eighth Circuit Court of Appeals.

Throughout her life, Judge Murphy took an active role in the community. She served as Chair of the Bush Foundation; Regent of St. John's University; President of the University of Minnesota Alumni Association; President of the Minneapolis League of Women Voters; and on the Boards of the United Way, Twin Cities Public Television, Inc., the Minnesota Civil Liberties Union, the Minneapolis Urban Coalition, and the Minnesota Science Museum. Judge Murphy died in 2018. The next year, Congress honored Judge Murphy by naming the Federal Courthouse in Minneapolis, the Diana E. Murphy United States Courthouse.

Paul A. Magnuson



Paul A. Magnuson was born and raised on a farm near Carthage, South Dakota. He is the product of a one-room schoolhouse and graduated in a class of 13 from high school. Magnuson received his Bachelor of Arts degree (1959) from Gustavus Adolphus College where he was active in athletics and student government, having served as Class President and Student Body President. He received his Juris Doctor (1963) from William Mitchell College of Law (again Class President) where he attended night law school while employed as assistant registrar, casualty claim adjuster, and law clerk.

Magnuson served as a private practicing attorney for 18 years in the firm of Levander, Gillen, Miller and Magnuson in South Saint Paul, Minnesota, where his endeavors emphasized eminent domain and municipal law.

Magnuson served as a lecturer at William Mitchell College of Law and Hamline University School of Law from 1982 to 1989. From 1986 to 1991, Magnuson also served as Jurist in Residence at

several undergraduate college liberal arts campuses in Minnesota. In 2010, Magnuson was a Fulbright Scholar at United International College, Zhuhai, China.

Magnuson was nominated by President Ronald Reagan and, upon confirmation, entered judicial service on November 16, 1981. During his long career, Magnuson has served the Judicial Conference of the United States as a Member and Chair of the Bankruptcy Committee, and International Judicial Relations Committee, and a member of the Inter-Circuit Assignment Committee. He also served the Federal Judicial Center as a Member of the District Judges Education Committee. Judge Magnuson was also a longtime member of the Board of Directors of the Federal Judges Association, where he held numerous executive offices.

In addition, Judge Magnuson has traveled to some 50 countries where he has encouraged the development of independent, ethical judiciaries in emerging democracies. This work has primarily been in Eastern Europe, Central Asia, Asia, and Africa.

Judge Magnuson served as Chief Judge from 1994 to 2001. In 2002, he assumed senior status where he continues to carry an active case load.

James M. Rosenbaum



James M. Rosenbaum was appointed by President Ronald Reagan on July 19, 1985, to the newly created seventh judgeship for the District of Minnesota. Appointed at the age of 40, Judge Rosenbaum was the youngest judge to serve on Minnesota's federal bench during the last century. Judge Rosenbaum was the Chief Judge from 2001 to 2008.

Judge Rosenbaum was born at Fort Snelling, Minnesota, on October 12, 1944. He grew up in the Highland Park area of St. Paul and graduated from St. Paul Central High School. He attended the University of Minnesota, receiving his undergraduate degree in 1966 and his law degree in 1969.

Following law school, Judge Rosenbaum worked in Chicago as a civil rights lawyer for VISTA (Volunteers in Service to America). He also started a program which provided free legal assistance to indigents at criminal court hearings held on weekends and holidays in Chicago.

In 1972, Judge Rosenbaum returned to Minnesota and entered the private practice of law. He continued in private practice until 1981. During two years of that time, he worked in partnership with his wife, Marilyn Brown Rosenbaum.

In 1981, Judge Rosenbaum was appointed United States Attorney for the District of Minnesota. He held that position until his appointment to the federal bench in 1985.

Throughout his college, law school, and post law school days, Judge Rosenbaum was active in the Republican Party and served as chairman of Senator Rudy Boschwitz's campaign steering committee. Judge Rosenbaum retired in 2010 and began work as a mediator and arbitrator.

David S. Doty



Judge David S. Doty was appointed to the federal district court by President Ronald Reagan and formally took the oath of office on May 21, 1987.

Judge Doty was born on June 30, 1929, in Coon Rapids, Minnesota. He grew up in Minneapolis, Minnesota, graduating from Marshall High School and the University of Minnesota with a zoology major. In 1952, Judge Doty was commissioned a Second Lieutenant in the United States Marine Corps and served until 1958, when he resigned as a Captain. He served on sea duty, as an infantry company commander, and as an artillery battery commander, ending his military career on Okinawa.

In 1961, Judge Doty graduated from the University of Minnesota Law School with honors, having been an editor of the Law Review. He then practiced law for 26 years, primarily with the law firm of Popham, Haik, Schnobrich, Kaufman & Doty. Judge Doty's active practice concentrated on trial and administrative law. He represented many individuals and organizations including the Metropolitan Transit Commission. He was also a Special Assistant Attorney General and taught labor law at William Mitchell School of Law, now Mitchell Hamline School of Law.

Judge Doty has been active in bar and civic matters, serving as the President of the Minnesota State Bar Association and Hennepin County Bar Association and serving on various committees in both organizations. He was elected to the Minneapolis Public Library Board, served as a member of the Minneapolis Foundation Board, and was President of the University of Minnesota Law School Alumni Association.

Judge Doty assumed senior status in 1998 and maintains a significant caseload. Over his long tenure on the federal bench, Judge Doty has presided over many significant cases including several disputes involving the National Football League.

Richard H. Kyle



Richard H. Kyle was appointed by President George W. Bush and formally took the oath on May 13, 1992.

Born on April 30, 1937, Judge Kyle was raised in White Bear Lake, Minnesota. He attended the University of Minnesota, where he received his B.A. in 1959 and his LL.B. in 1962. While at the University of Minnesota, he served as President of the Minnesota Law Review and was a member of the Order of the Coif. From 1962 to 1963, Judge Kyle clerked for the Honorable Edward J. Devitt, United States District Judge for the District of Minnesota.

In 1963, Judge Kyle joined the firm of Briggs and Morgan. He left the firm for a two-year period from 1968 until 1970 to serve as Solicitor General, Office of the Minnesota Attorney General, after which he returned to Briggs and Morgan, where he practiced law until 1992, when he was appointed to the United States District Court. Judge Kyle assumed Senior Status in 2005. Judge Kyle served as a member on the Federal Practice Committee, the Eighth Circuit Federal Advisory Committee, Two Merit Selection Panels for United States Magistrate Judges for the District of Minnesota, and as President of the University of Minnesota Law School Alumni Association. He also served as Co-Chair to the Lawyers Committee to Retain Incumbent Justices on the Minnesota Supreme Court, as President of the State Board of Law Examiners, and as a member of the Saint Paul Foundation.

Judge Kyle was a member of the Eighth Circuit Model Jury Instructions Advisory Committee, the Minnesota State Bar Association, and the Ramsey County Bar Association until his death in 2021.

Judge Michael J. Davis



Judge Michael J. Davis was appointed by President William Jefferson Clinton and took the oath of office on March 30, 1994. He was Chief Judge of the District of Minnesota from July 1, 2008, through June 30, 2015. He was the first African American federal judge in Minnesota. Judge Davis graduated from Macalester College in 1969 and the University of Minnesota Law School in 1972. He served as a criminal defense lawyer at the Neighborhood Justice Center in St. Paul, Legal Rights Center in Minneapolis, and as an Assistant Public Defender in Hennepin County.

From 1983 to 1994, Judge Davis was a Minnesota state court trial judge. He was an Adjunct Professor at the University of Minnesota Law School from 1982-2013. He has lectured at Oxford University and the FBI Academy. In 1999, Chief Justice Rehnquist appointed Judge Davis to the United States Foreign Intelligence Surveillance Court for a seven-year term. Judge Davis received an Honorary Doctor of Laws degree in 2001 from Macalester College, and in 1989, he received the Outstanding Alumni Award. He was awarded the 2004 Judicial Professionalism Award by the Hennepin County Bar Association.

Judge Davis served as President of the Minnesota Chapter of the Federal Bar Association 2004-05. In 2013, he was awarded the President's Award by the Minnesota Association of Black Lawyers. In 2014, he received the Lifetime Leadership Award from Southern Minnesota Regional Legal Services, Inc. In 2015, Judge Davis was awarded the Trailblazer Award from the Minneapolis Urban League. In January 2016, Judge Davis received the 2016 Lifetime Local Legend Award at the 26th Annual MLK Holiday Breakfast and that same day, he also received the Lifetime Achievement Award from Governor Mark Dayton's Council on the Martin Luther King Jr. Holiday.

In September 2016, the National Federal Bar Association awarded Judge Davis the Sarah T. Hughes Civil Rights Award for his work promoting the advancement of civil and human rights. In 2019, he was awarded Macalester College's 2019 Catharine Lealtad Class of 1915 Service to

Society Award. He is on the Board of Emeritus Trustees for the University of Minnesota Foundation; an Advisory Board Member of the Jack Mason Law and Democracy Initiative, a project of Books for Africa; a Board Member for the Legal Rights Center; a Board Member for the Neighborhood Justice Center; on the Board of Counselors for Equal Justice Works; member of the Executive Council of the Minnesota Historical Society and on the Board of Trustees for Macalester College. Judge Davis assumed Senior Status in 2015.

John R. Tunheim



Judge John R. Tunheim was nominated by President William Jefferson Clinton on July 10, 1995, confirmed unanimously by the United States Senate on December 22, 1995, and took the oath of office on December 29, 1995, succeeding Judge Donald Alsop. He was Chief Judge of the District of Minnesota from 2015 to 2022 and guided the Court through the pandemic from 2020 - 2022.

Judge Tunheim is a native of Newfolden, a tiny village on the prairies of northwestern Minnesota and the first in his family to obtain a law degree. He is a 1975 summa cum laude graduate of Concordia College, in Moorhead, Minnesota and a 1980 cum laude graduate of the University of Minnesota Law School where he served as President of the Minnesota Law Review. He served as an assistant to U.S. Senator Hubert H. Humphrey from 1975-1977. After law school, Judge Tunheim served as Law Clerk to U.S. District Judge Earl Larson in Minneapolis. Upon completion of his clerkship, Judge Tunheim was in private litigation practice for three years with the St. Paul law firm Oppenheimer, Wolff, Foster, Shepard, and Donnelly. While a practicing attorney, he served the United States District Court for the District of Minnesota as a member of both the Federal Practice Committee and the Advisory Committee on Civil Justice Reform.

Prior to his appointment as a federal judge, Judge Tunheim served 9½ years under Attorney General Skip Humphrey as Chief Deputy Attorney General in the Minnesota Attorney General's

Office. He also served as Minnesota Solicitor General and Manager of the Attorney General's Public Affairs Litigation Division from 1984-1986. Judge Tunheim served from 2005-2009 as the Chair of the United States Judicial Conference Committee on Court Administration and Case Management (CACM), a committee with broad jurisdiction for making policy recommendations for the federal judiciary. He has also served on the Judicial Conference as the Eighth Circuit District Judge representative since 2020. He teaches leadership skills to new federal chief judges and has mentored new federal judges from across the country.

Judge Tunheim served as the Chairman of the U.S. Assassination Records Review Board, an independent federal agency responsible for reviewing and facilitating public disclosure of previously classified government records related to the assassination of President John F. Kennedy. He served as the Board's only chairperson during its successful 4½ year tenure, which resulted in a legacy of over six million pages of materials concerning the assassination now available to the public at the National Archives in College Park, Maryland. He served simultaneously for two and one-half years as a District Judge and Chair of the Review Board.

Judge Tunheim has devoted a significant amount of time to international rule of law development. His early work in Kosovo helped the United Nations to re-establish and improve the legal system. In 2007-2008, he worked as the principal advisor in the development of the Kosovo Constitution, including drafting key provisions. Judge Tunheim has worked extensively on legal and judicial reform issues over the past two decades in over 45 countries. He is the past Chair of the Dean's Advisory Council at the Humphrey School of Public Policy at the University of Minnesota, is past Chair of the Board of Regents at Concordia College, and served on the Executive Council of the Minnesota Historical Society.

In 2004, Concordia College conferred on Judge Tunheim the degree of Doctor of Humane Letters, *Honoris Causa*, and honored him with its Distinguished Alumni Achievement Award. The Minnesota Law Review honored Judge Tunheim in 2006 with its Distinguished Alumni Award for extraordinary contributions to the profession and to society. In 2010, the Board of Regents of the University of Minnesota voted to honor Judge Tunheim with its Outstanding Achievement Award.

Ann D. Montgomery



Judge Montgomery was nominated to be a United States District Judge in November 1995. Her nomination was confirmed by the United States Senate on August 2, 1996. Judge Montgomery, a native of Litchfield, Minnesota, received her degrees from Kansas University and the University of Minnesota Law School. She served as a law clerk to the District of Columbia Court of Appeals and was an Assistant United States Attorney in Minnesota from 1976-1983. In 1983, Judge Montgomery was appointed to the Hennepin County bench. In 1994, she was selected by the federal bench to become a United States Magistrate Judge.

Judge Montgomery is a past President of the Federal Bar Association of Minnesota and the Eighth Circuit District Judges Association. By appointment of the Chief Justice of the United States, she served on the Judicial Resources Committee and is on the Judicial Branch Committee.

Her international contributions include being a delegate to the Hague Convention on the International Abduction of Children, lecturing on that topic in Chile, speaking on Alternatives to Incarceration in Uruguay, teaching trial skills in Tanzania at the International Criminal Tribunal for Rwanda, and lecturing at the International Commercial Arbitration Conference in Guangzhou and Beijing, China.

Judge Montgomery's teaching positions include being a mentor judge for the Federal Judicial Center's course for newly appointed federal judges (affectionately known as "Baby Judge School"). She has taught at all Minnesota law schools, including teaching trial practice for more than a decade at the University of Minnesota Law School. She co-authored Minnesota Objections at Trial with Judge Myron Bright and Professor Ronald Carlson.

Judge Montgomery's numerous awards include the Distinguished Jurist Award from the Academy of Certified Trial Lawyers of Minnesota, the Manuel Guerrero Courage in Leadership Award, the Rosalie Wahl Award of Judicial Excellence, the Myra Bradwell Award, the Trial Judge of the Year Award from the American Board of Trial Advocates, and the Hennepin County Professionalism Award. Her proudest distinction is giving birth to Minnesota's first

judicial baby in 1984. Judge Montgomery assumed Senior Status in 2016. Her seven grandchildren have quickly filled the extra hours at home that senior status allows.

Donovan W. Frank



Judge Donovan W. Frank was nominated by President William Jefferson Clinton and took the oath of office on November 2, 1998. Judge Frank assumed Senior Status on October 31, 2016.

Judge Frank was raised in Spring Valley, Minnesota, graduated from Luther College, magna cum laude, in 1973, and studied for one year in England. He graduated from Hamline University School of Law, magna cum laude, in 1977. He began his legal career as an Assistant St. Louis County Attorney on the Iron Range. In 1985, he was appointed to the St. Louis County bench for the Sixth Judicial District. He served as Assistant Chief Judge from 1987-1991 and Chief Judge of the Sixth Judicial District from 1991-96.

Judge Frank was a member of the St. Louis County Child Abuse Team and worked on the first case in the state of Minnesota that allowed expert testimony in a child sexual abuse felony trial. The Supreme Court unanimously affirmed the admission of the expert testimony in 1984. That remains the law today.

As a state judge, he served on the Conference of Chief Judges, the Racial Bias Task Force and its Implementation Committee, and chaired the Judicial Resources Committee. He also served on the Minnesota Supreme Court's Criminal Rules Committee from 1985 until he joined the federal bench. He served on the Board of the Range Mental Health Center and since joining the federal bench a new treatment and detoxification service center was constructed and named the "Judge Donovan Frank Building," referred to by defendants as "The Frank Tank."

Judge Frank is a founding member of the Judicial Advisory Board for the Emory Institute for Complex Litigation and Mass Claims. He has been very involved in Community Outreach and

coordinated the Open Doors to Federal Courts program for 15 years which won the American Bar Association's Law Day award in 2010.

Judge Frank assumed Senior Status in 2016. He serves on the Board of Trustees at Mitchell Hamline School of Law, the Landmark Center Board of Directors and the Board for Lawyers Concerned for Lawyers.

Joan N. Ericksen



Judge Joan N. Ericksen was sworn in as a United States District Judge for the District of Minnesota on June 14, 2002—Flag Day. She was appointed by President George W. Bush and unanimously confirmed by the Senate with the guidance of then-Senators Paul Wellstone and Mark Dayton. Judge Ericksen succeeded Judge Paul Magnuson when he took senior status.

Prior to her appointment, Judge Ericksen was an Associate Justice of the Minnesota Supreme Court, having been appointed to that position in 1998 and elected by popular vote in 2000. She served as a Judge of the Hennepin County District Court in Minneapolis from 1995 to 1998. While on that court she served for two years on special assignment to the juvenile court, where she handled delinquency and child protection cases and founded and co-chaired a statewide task force on fetal alcohol syndrome.

Judge Ericksen is a graduate of the University of Minnesota Law School, St. Olaf College, and Oxford University. She was an Assistant United States attorney for 10 years until becoming a shareholder in the law firm of Leonard, Street and Deinard (now Stinson), a position she left to become a Hennepin County District Court Judge.

Judge Ericksen has served on the Judicial Conference of the United States Advisory Committee on the Federal Rules of Evidence and the Judicial Conference of the United States Advisory Committee on the Federal Rules of Civil Procedure. She has taught at the University of Minnesota Law School, St. Thomas School of Law, and Mitchell Hamline Law School in addition to many national conferences. Judge Ericksen is a former Master of the Warren Burger Inn of Court and is the founding President of the Jimmie Reyna Intellectual Property Inn of Court. For 10 years she served as a question-writer for the Multistate Bar Examination. Judge Ericksen assumed senior status in 2019.

Patrick J. Schiltz



Patrick J. Schiltz was born and raised in Duluth, Minnesota. He graduated summa cum laude in 1981 from the College of St. Scholastica and magna cum laude in 1985 from Harvard Law School, where he was an editor of the Harvard Law Review. During the gap year between college and law school, Schiltz worked as a Legislative Aide to Senator Dave Durenberger (R-Minn).

After graduating from law school, Schiltz served as a law clerk to Antonin Scalia, who was then a judge of the United States Court of Appeals for the District of Columbia Circuit. Schiltz had agreed to clerk for Justice Sandra Day O'Connor on the United States Supreme Court following his clerkship with Scalia. But shortly before Schiltz's clerkship with Scalia ended, Scalia was nominated to the United States Supreme Court. Scalia asked Schiltz to help prepare him for his confirmation hearings, and, after Scalia's nomination was confirmed, Scalia asked Schiltz to clerk for him during his first year at the Supreme Court. With O'Connor's permission, Schiltz agreed.

Following his clerkship with Scalia, Schiltz joined Faegre & Benson in Minneapolis. Schiltz represented the National Football League, the Minnesota Vikings, and the Minnesota Timberwolves in antitrust and contract litigation; the Star Tribune and other media clients in

access and libel litigation; and the Evangelical Lutheran Church in America and other religious organizations in tort and employment matters.

Schiltz left private practice in 1995 to join the faculty of Notre Dame Law School, where he taught Civil Procedure, Evidence, and Sports Law. He quickly became a popular teacher and a nationally recognized scholar in the areas of legal ethics and appellate procedure. The class of 1999 elected Schiltz “Teacher of the Year.”

While at Notre Dame, Schiltz wrote “On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession,” one of the most widely read law-review articles ever published. The Vanderbilt Law Review made the article the focus of a symposium, and the Washington Post identified the article as one of nine works that every law student should read.

In 2000, Schiltz left Notre Dame to become the founding associate dean of the University of St. Thomas School of Law. Schiltz had primary responsibility for almost every significant aspect of creating the new law school, from hiring the faculty to designing the building. In 2002, Schiltz was named the St. Thomas More Chair in Law, the first endowed chair at the School of Law.

Schiltz was nominated to the federal bench by President George W. Bush on December 14, 2005, and his nomination was unanimously confirmed by the United States Senate on April 26, 2006.

From 1997 to 2006, Schiltz served as the Reporter to the Advisory Committee on the Federal Rules of Appellate Procedure. Among those who served on the Committee during Schiltz’s tenure were then-Judge John G. Roberts, Jr. and then-Judge Samuel A. Alito, Jr. In 2010, Chief Justice Roberts appointed Schiltz and then-Judge Neil M. Gorsuch to the Judicial Conference’s Committee on Rules of Practice and Procedure, which is responsible for approving changes to all of the procedural rules that govern the federal courts. In 2020, Chief Justice Roberts appointed Schiltz to serve as Chair of the Advisory Committee on the Federal Rules of Evidence.

Schiltz was named Chief U.S. District Judge on July 1, 2022.

Susan Richard Nelson



Judge Susan Richard Nelson was appointed as a United States District Court Judge by President Barack Obama and took the oath of office on December 21, 2010. Judge Nelson previously served the district as a United States Magistrate Judge from 2000 – 2010, enjoying a reputation as a hard-working mediator.

Born in Buffalo, New York, Judge Nelson studied music and religion at Oberlin College and graduated with high honors in 1974. She pursued her legal studies at the University of Pittsburgh, competed on the school's trial moot court team and graduated in 1978, Order of the Barristers. Judge Nelson began her legal career at Reed Smith in Pittsburgh. In 1980 she moved to New Haven, Connecticut, and joined the law firm Tyler, Cooper, Grant, Bowerman & Keefe. In 1983, she relocated to Minnesota and joined the Minneapolis law firm Robins, Kaplan, Miller & Ciresi where she enjoyed a 17-year career litigating complex civil matters in state and federal court. From 1994 to 1998, she served on the trial team representing the State of Minnesota and Blue Cross Blue Shield of Minnesota in its historic litigation against the tobacco industry.

Judge Nelson has been very active in the bar, having served on the Board of Minnesota Women Lawyers, then as President of Minnesota Women Lawyers and for many years, on its Advisory Board. She has also been active in the Minnesota Chapter of the Federal Bar Association, including serving as President of the Chapter, and in federal judicial committee and associations, serving as the Eighth Circuit representative. Judge Nelson is active in the community and currently serves on the Board of Governors of the University of St. Thomas School of Law. She previously served on the board of the St. Paul Chamber Orchestra.

She is a frequent lecturer in Minnesota and nationally. Judge Nelson has been the recipient of several awards and honors, including the Hennepin County Bar Association Professionalism

Award and the Myra Bradwell Award and the Trial Judge of the Year award from the American Board of Trial Attorneys. Judge Nelson assumed senior status on December 31, 2021.

Wilhelmina M. Wright



Wilhelmina M. Wright was appointed to the United States District Court in 2016 by President Barack Obama, succeeding Judge Michael J. Davis after he took senior status. Judge Wright is the first African American female federal judge in Minnesota's history.

Judge Wright was born and raised in Norfolk, Virginia. She studied literature at Yale University and graduated with honors in 1986. Judge Wright received her juris doctor degree from Harvard Law School in 1989.

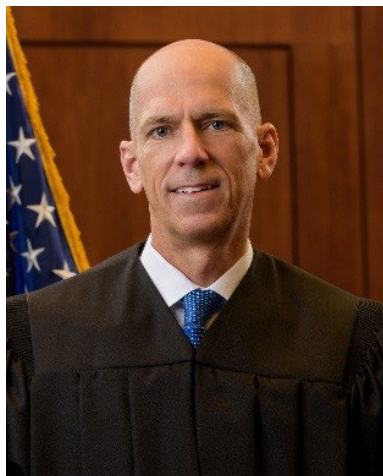
After graduating from law school, Judge Wright served as a judicial clerk for the Honorable Damon J. Keith of the United States Court of Appeals for the Sixth Circuit. From there she transitioned to private practice at Hogan & Hartson, LLP, in Washington D.C., where she represented school districts throughout the United States.

Judge Wright's move to Minnesota in 1995 marked the start of her career in public service in this state. Judge Wright served as an Assistant United States Attorney, prosecuting economic fraud and violent crimes, during which she received the United States Department of Justice Special Achievement Award and the Director's Award for Public Service. In 2000, Judge Wright was appointed to the Ramsey County District Court. She subsequently served on the Minnesota Court of Appeals and on the Minnesota Supreme Court.

Throughout her career, Judge Wright has been an active volunteer. She currently serves on the Harvard Board of Overseers and the University of St. Thomas Board of Directors. She has served on the Hubert H. Humphrey Institute of Public Affairs Advisory Council, William Mitchell College of Law Board of Directors, and the Federal Bar Association of Minnesota Board of Directors, among other organizations. Judge Wright is a recipient of the Lena O. Smith

Achievement Award from the Minnesota Black Women Lawyers Network, the Myra Bradwell Award from Minnesota Women Lawyers, the Minnesota Association of Black Lawyers Profiles in Courage Award, and the Fidelis Apparitor Award from the College of Saint Benedict/Saint John's University.

Eric C. Tostrud



Judge Tostrud was nominated to the federal bench by President Donald Trump in February 2018. The Senate confirmed his nomination, and he received his commission in September 2018. Judge Tostrud is the third law clerk of Judge Devitt's to serve on the bench in the District of Minnesota; the others are District Judge Richard H. Kyle and former Magistrate Judge Brian Short. Judge Eric C. Tostrud was born in St. Paul, Minnesota, in 1965 and grew up nearby in Woodbury. He received his B.A. in Political Science and Speech from St. Olaf College in 1987 and his J.D. from William Mitchell College of Law in 1990. He was admitted to the Minnesota Bar that same year. Judge Tostrud clerked for Judge Edward J. Devitt and for Judge George E. MacKinnon of the U.S. Court of Appeals for the District of Columbia Circuit.

Judge Tostrud spent his entire career as a practicing lawyer with the Minneapolis firm Lockridge Grindal Nauen. During his time with the firm, Judge Tostrud maintained a complex litigation practice almost exclusively in the federal courts. His pro bono service included representing clients before the U.S. Court of Appeals for Veterans Claims and successfully earning reparations for a Japanese American whose family was incarcerated at Manzanar. Throughout his career as a practicing attorney, Judge Tostrud often taught as an adjunct professor at William Mitchell College of Law and at the University of Minnesota Law School. His areas of instruction included legal writing, the federal courts, federal jurisdiction, civil procedure, complex litigation, and electronic discovery.

Nancy E. Brasel



Judge Nancy E. Brasel was appointed by President Donald Trump on September 13, 2018. Judge Brasel is the 37th federal judge selected for Minnesota, succeeding Judge Ann D. Montgomery, who took senior status. Judge Montgomery had succeeded Judge Diana E. Murphy, for whom the Federal Courthouse in Minneapolis is named.

Judge Brasel received her undergraduate degree from Trinity University where she was inducted into Phi Beta Kappa and her Master of Arts in English Literature from the University of Texas at Austin. She graduated magna cum laude from the University of Minnesota Law School where she was a managing editor of the Minnesota Law Review and was inducted into the Order of the Coif. After law school, Judge Brasel served as a law clerk to the Honorable Donald P. Lay on the United States Court of Appeals for the Eighth Circuit.

Upon graduating law school, Judge Brasel worked in private practice as an associate with the Minneapolis law firm of Leonard, Street and Deinard (now Stinson) and as a partner with the Minneapolis law firm of Greene Espel, focusing on business and employment litigation. From 2008 to 2011, Judge Brasel served as an Assistant United States Attorney for the District of Minnesota and prosecuted narcotics, firearms, and financial crimes.

Prior to her appointment, Judge Brasel served as a Judge on the Hennepin County State District Court bench from 2011 to 2018 where she presided over criminal, civil, and juvenile matters. During her three-year service on the Juvenile Court bench, Judge Brasel contributed to several projects aimed at helping sexually exploited youth and teen girls.

Judge Brasel is the former Chair of the Board of Directors of the Domestic Abuse Project in Minneapolis. She currently serves on the University of Minnesota Law School Board of Advisors, the University of Minnesota Law School Dean Search Committee and is the Eighth Circuit representative on the Judicial Conference Committee on the Administration of the Magistrate Judges System.

Kate M. Menendez



Kate Menendez was nominated to the United States District Court for the District of Minnesota by President Joe Biden, and was confirmed by the Senate on December 18, 2021. Prior to her confirmation, she served as a Magistrate Judge for five and a half years.

Before taking the bench, Judge Menendez was an Assistant Federal Defender for more than 18 years. Her work in the Defender's Office included all levels of practice, from initial appearances through trial and appeal. The second half of her career there involved a focus on training younger attorneys, handling appeals, and overseeing complex special projects. During Judge Menendez's time as a public defender, she handled a variety of complex cases, including representing detainees at Guantanamo Bay and serving as habeas counsel in a federal capital case. She was also lead counsel for Sam Johnson and argued twice to the Supreme Court in *Johnson v. United States* (2015).

Throughout her time in both the Federal Defender's Office and on the bench, Kate has been a frequent trainer and presenter at seminars, both locally and nationally. She has taught at all three of the Twin Cities' law schools. She most recently taught a course on Federal Habeas Corpus at the University of Minnesota for several years.

Kate earned her undergraduate degree at the University of Chicago and went to law school at NYU, where she was a Root Tilden Snow Public Interest Scholar. She then clerked for a year for the late (and wonderful) Hon. Sam. J. Ervin III on the Fourth Circuit.

Jerry W. Blackwell



Judge Jerry W. Blackwell was appointed by President Joe Biden on December 20, 2022. Judge Blackwell succeeded Judge Susan Richard Nelson who assumed senior status on December 31, 2021. Judge Blackwell received his Bachelor of Science from the University of North Carolina at Chapel Hill, where he was a Morehead-Cain scholar. Judge Blackwell then received his Juris Doctor from the University of North Carolina School of Law. Judge Blackwell is the recipient of numerous awards, including Minnesota Attorney of the Year, the National Law Journal Winning Litigator Award, Benchmark Litigation Lifetime Achievement Award, BTI Client Service Super All Star, the National Bar Association Commercial Section Vanguard Lifetime Achievement Award, the University of North Carolina Distinguished Alumnus Award, Minnesota Super Lawyer, and the Greater Washington Urban League Courage Under Fire Award.

Judge Blackwell was the founding partner, CEO, and chairperson of Blackwell Burke P.A., a law firm that served as trial counsel for several major corporations and that represented clients in 47 states and internationally. Judge Blackwell has made presentations to the Federal Bar Association, American Bar Association, Minnesota State Bar Association, National Bar Association, International Association of Defense Counsel, and the American Association for Justice, and to various Fortune 500 clients and trade organizations.

Judge Blackwell is an active member of his community, recently serving as lead Special Assistant Attorney General in the prosecution of former Minneapolis Police Officer Derek Chauvin for the murder of George Floyd. In 2020, in tandem with the Clayton Jackson McGhie Memorial, Judge Blackwell and his firm secured the first posthumous pardon in Minnesota history for Max Mason, a young Black man who was wrongfully convicted of raping a White woman in 1920. Judge Blackwell is also a founder of the Minnesota Association of Black Lawyers (MABL), a bar association that promotes the professional development of Black lawyers, judges, and law students in Minnesota, and advances education, excellence, and racial equity in the pursuit of justice. In 2011, Governor Mark Dayton appointed Judge Blackwell to serve as an at-large member of the Minnesota Commission on Judicial Appointments. Judge Blackwell enjoys beekeeping and meditation, and he is an avid hobby farmer.

**Significant Cases in the
United States District Court for the
District of Minnesota**

Over the years, the United States District Court for the District of Minnesota has handled many noteworthy cases. A sample of important cases which were heard in the District of Minnesota is summarized below. These cases demonstrate how the District Court defines, protects, and upholds key constitutional and civil rights of the people.

1. *Booker v. Special School District No. 1*, Civil File No. 4:71-382

In a class action brought on behalf of all students residing and attending public school in Minneapolis, the plaintiffs alleged that the Minneapolis School District denied equal educational opportunity to its students by maintaining separate schools for black and white children, and that the discrimination suffered by the students deprived them of their liberty without due process of law. The District Court heard extensive evidence from both sides and found that, through policies such as building facilities in strategic sizes and locations, the District had intentionally segregated students, teachers, and administrators in the schools of Minneapolis. To remedy the constitutional violations, the District Court ordered the defendants to refrain from discriminating on the basis of race or national origin. To reduce the degree of segregation, the Court ordered the enactment of a plan to help integrate administrators, teachers, and students. For example, the District Court ordered that no more than 35 percent of the student body of any school could consist of minority children and that no facilities could be built without the approval of the District Court. The Court released the District from its supervision in 1983.

Booker v. Special School District No. 1, 351 F. Supp. 799 (D. Minn. 1972).

2. *Brenden v. Independent School District 742*, Civil File No. 4:72-201

Peggy Brenden and Tony St. Pierre were two excellent high school female athletes. Each sought to compete in sports (tennis, cross-country running, and cross-country skiing) for which their high schools did not have interscholastic teams for female athletes. The District Court held that the Minnesota State High School League had violated their right to equal protection under the Fourteenth Amendment of the U.S. Constitution by refusing to allow them to compete on male teams. The District Court determined that any physiological differences between males and females did not prevent Brenden and St. Pierre from competing equally with males. Each had reached a high level of competitive achievement in her sport. Therefore, neither could be denied admission to the male teams because of their sex. The Eighth Circuit affirmed.

Brenden v. Independent School District 742, 342 F. Supp. 1224 (D. Minn. 1972), *aff'd*, 477 F.2d 1292 (8th Cir. 1973).

3. *Does 1-100 v. Boyd, Civil File No. 4:84-378*

In 1985, the District Court held that the Dakota County Sheriff's practice of strip searching all person detained at the Dakota County Jail was unconstitutional as applied to detainees charged with misdemeanors and lesser offenses. The District Court acknowledged that jail administrators should be able to adopt practices needed to preserve internal order and institutional security, but it recognized that full strip searches represented serious intrusions of privacy. The District Court found that the strip searches were a "dehumanizing, indecent, distasteful and outrageous practice." The Court prohibited the defendants from conducting strip searches of such detainees unless there was some objective, reasonable suspicion that the individual had contraband.

John Does 1-100 v. Boyd, 613 F. Supp. 1514 (D. Minn. 1985).

4. *Doe v. Anoka-Hennepin School District No. 11, Civil File No. 11-1999*

In July 2011, five current and former students of the Anoka-Hennepin School District, Minnesota's largest school district, sued the District and administrators claiming violations of their constitutional and statutory rights through the District's enactment and enforcement of policies that discriminated against the students based on their actual or perceived sexual orientation. The students alleged that they had each suffered severe and pervasive verbal and physical harassment from other students at school based on their actual or perceived sexual orientation. The U.S. Department of Justice and the Office for Civil Rights of the U.S. Department of Education intervened in the lawsuit. In 2012, the District Court facilitated and approved a consent decree, settling the lawsuit. Among other things, the District agreed to retain an equity consultant to determine what measures the District needed to prevent and respond to harassment, to document harassment, and to submit annual reports to federal officials for five years. The settlement was called "historic" and "precedent setting" for school districts across the United States. Sarah Horner, *Anoka-Hennepin Schools Settle Bullying Lawsuits: Board Agrees to Develop Protections for Gay, Lesbian, Bisexual and Transgender Students*, St. Paul Pioneer Press, Mar. 6, 2012, at A1.

Doe v. Anoka-Hennepin School District No. 11, No. 11-CV-1999 (JNE/SER) (D. Minn.).

5. *Hodgson v. State of Minnesota, Civil File No. 3:81-538*

After a five-week trial exploring the impact of a Minnesota statute requiring a pregnant minor to notify both parents before having an abortion, the District Court held that the statute unconstitutionally infringed upon a minor's right to an abortion under *Roe v. Wade*. The District Court found that the statute's two-parent notice requirement did not serve Minnesota's interest in protecting pregnant minors or in promoting family communication, because only half of the minors in Minnesota live with both biological parents and compelling an adolescent to share information about her abortion decision with both parents could be harmful. The District Court further found that the 48-hour waiting period requirement was unconstitutional, noting

that, due to factors like the inaccessibility of abortion providers in some parts of the state and harsh weather conditions, the statute's 48-hour requirement sometimes caused delays of a week or more and unreasonably increased medical risks. On rehearing *en banc*, the Eighth Circuit reversed, holding that, so long as a judicial bypass to parental notification existed, the statute was constitutional. The Supreme Court affirmed the Eighth Circuit in a case argued by current District Judge Tunheim.

Hodgson v. State of Minnesota, 648 F. Supp. 756 (D. Minn. 1986), *rev'd*, 853 F.2d 1452 (8th Cir. 1988), *aff'd*, 497 U.S. 417 (1990).

6. *Jama v. INS*, Civil File No. 01-1172

The District Court ordered the United States Government to not remove the petitioner, Keyse Jama, a citizen of Somalia, from the United States to Somalia because Somalia could not accept the petitioner as it was "a non-functioning government in a lawless territory." The Eighth Circuit reversed, and the Supreme Court affirmed the Eighth Circuit. Thus, individuals subject to removal could be removed to countries without a functioning government because advance consent for removal from the destination country was not required under the relevant statute. Although the Eighth Circuit and Supreme Court reversed, the Government was unable to force Somalia to accept the petitioner, and it ceased removing individuals to Somalia for approximately one decade.

Jama v. I.N.S., No. CIV. 01-1172 (JRT/AJB), 2002 WL 507046 (D. Minn. Mar. 31, 2002), *rev'd*, 329 F.3d 630 (8th Cir. 2003), *aff'd*, 543 U.S. 335 (2005).

7. *Jenson v. Eveleth Taconite Co.*, Civil File No. 5:88-163; *Jenson v. Eveleth Taconite Co.*, Civil File No. 5:93-26

In August 1988, Lois Jenson and Patricia Kosmach filed a class action suit against Eveleth Mines alleging sex discrimination in violation of Title VII and the Minnesota Human Rights Act. The Eighth Circuit noted that the sexual harassment aimed at the class members was "egregious." This was the first federal class-action sexual harassment lawsuit tried in the United States. After certifying the class, the District Court held a bench trial and found that the plaintiffs had proven a pattern and practice of sex discrimination in promotions and sexual harassment by the defendants. The damages award was reversed by the Eighth Circuit, and the case ultimately settled. The case was the basis for a book, *Class Action: The Landmark Case that Changed Sexual Harassment Law*, and a film, *North Country*.

Jenson v. Eveleth Taconite Co., 139 F.R.D. 657 (D. Minn. 1991); *Jenson v. Eveleth Taconite Co.*, 824 F. Supp. 847 (D. Minn. 1993); *Jenson v. Eveleth Taconite Co.*, 130 F.3d 1287 (8th Cir. 1997).

8. *Magraw v. Donovan*, Civil File No. 2981

In 1958, the District Court considered whether federal courts could properly hear and decide cases seeking to redraw state legislative boundaries. Residents of densely populated urban areas asked that the 1913 Minnesota Legislative Redistricting Act be declared invalid. They argued that the Minnesota Constitution called for the number of Minnesota legislators to be appointed throughout the different areas of the State “in proportion to the population thereof.” These residents contended that Minnesota’s population had changed drastically since 1913 and that their legislative representation had been unconstitutionally diluted, violating their right to equal protection under the Fourteenth Amendment of the U.S. Constitution. The District Court found that it had jurisdiction to hear the matter and appointed a special three-judge panel, which concluded that drastic inequities existed among legislative districts. For example, a voter in one district would be equal to 14.7 voters in another. In response, the Minnesota Legislature reapportioned itself, and further judicial action in Minnesota was avoided. In time, the Fourteenth Amendment theory developed by the District Court was accepted by the U.S. Supreme Court in *Baker v. Carr*, 369 U.S. 186 (1962). Since that time, federal district courts have ruled on many legislative reapportionment issues.

Magraw v. Donovan, 159 F. Supp. 901 (D. Minn. 1958); *Magraw v. Donovan*, 163 F. Supp. 184 (D. Minn. 1958).

9. *Mille Lacs Band of Chippewa Indians v. Minnesota*, Civil File No. 3:94-1226

In a dispute over a treaty that also involved the enforcement of fish and game laws, the District Court held a bench trial and issued findings that the Mille Lacs Band of Chippewa Indians continued to possess the right to hunt, fish, and gather wild rice upon the lands, the rivers, and the lakes included in the territory ceded to the United States by the treaty of 1837. The District Court then granted summary judgment to the Mille Lacs Band of Chippewa Indians and others as to regulatory and allocation issues. The defendants failed to establish that laws and regulations regarding deer shining in December and gillnetting in lakes under 1,000 acres were necessary for conservation in light of the Bands’ Management Plan and Conservation Code. The District Court held that an allocation of the resources available for harvest was not necessary at that time. The Eighth Circuit and the Supreme Court affirmed. The decision was considered an important vindication of Native American sovereignty.

Mille Lacs Band of Chippewa Indians v. State of Minnesota, 861 F. Supp. 784 (D. Minn. 1994), *aff’d*, 124 F.3d 904 (8th Cir. 1997), *aff’d*, 526 U.S. 172 (1999); *Mille Lacs Band of Chippewa Indians v. Minnesota*, 952 F. Supp. 1362 (D. Minn. 1997), *aff’d*, 124 F.3d 904 (8th Cir. 1997), *aff’d*, 526 U.S. 172 (1999).

10. *Mueller v. Allen*, Civil File No. 3:80-395

Several taxpayers challenged a Minnesota law that permitted taxpayers to claim income tax deductions for their children’s tuition, textbook, and transportation costs, claiming that it

violated the First Amendment's Establishment Clause by aiding religious schools and parents with children in parochial schools. The taxpayers also argued that the law violated the First Amendment by restricting people's freedom to practice religion by increasing the tax burdens on those who do not have children in parochial schools. The District Court concluded that the challenged statute did not impermissibly benefit religious activity because (1) the law had a secular purpose in providing dependents with a "safe, effective, and varied educational environment;" (2) the primary effect of the statute was not to aid one religious group over another as the tax relief was widely distributed to all parties with children attending elementary and secondary schools; and (3) the State's enforcement of the statute would not cause the government to be excessively entangled in religious affairs because the State did not need to inquire into the genuineness of the school's religious functions to enforce the law. The District Court also found that the tax deduction statute did not burden people's freedom to practice the religion of their choice. Thus, the Court held that the statute was constitutional under the First Amendment. The Eighth Circuit and the Supreme Court affirmed. This case is one of many in the federal courts which must consider the appropriate boundary areas or separation between church and state under the First Amendment.

Mueller v. Allen, 514 F. Supp. 998 (D. Minn. 1981), *aff'd*, 676 F.2d 1195 (8th Cir. 1982), *aff'd*, 463 U.S. 388 (1983).

11. *Republican Party v. Kelly*, Civil File No. 98-831

The District Court upheld Minnesota's restrictions on political speech by state judicial candidates as allowable in furtherance of the state's objective of maintaining the actual and apparent impartiality of judges. The Eighth Circuit affirmed, but the Supreme Court, reversing, held that Minnesota's canon of judicial conduct prohibiting candidates for judicial election from announcing their views on disputed legal and political issues violated the First Amendment. Justice O'Connor later expressed regret for casting the fifth vote in that case, which contributed to the politicization of judicial races.

Republican Party of Minnesota v. Kelly, 63 F. Supp. 2d 967 (D. Minn. 1999), *aff'd*, 247 F.3d 854 (8th Cir. 2001), *rev'd and remanded*, 536 U.S. 765 (2002).

12. *Telescope Media Group v. Lindsey*, Civil File No. 16-409

Carl and Angel Larsen and Telescope Media Group were wedding videographers who sued the State of Minnesota to prevent enforcement of the Minnesota Human Rights Act's ban on sexual orientation discrimination in public accommodations and contracting insofar as it would require that they provide videographer services to same-sex weddings. The plaintiffs asserted that the state law's enforcement would violate their First and Fourteenth Amendment rights to free speech, expressive association, free exercise, equal protection, and due process. The District Court dismissed the lawsuit, finding no violation of the plaintiffs' constitutional rights. The Eighth Circuit Court of Appeals reversed the District Court decision, and no further appeals were taken.

Telescope Media Group v. Lindsey, 271 F. Supp. 3d 1090 (D. Minn. 2017).

Affirmed in part, reversed in part, and remanded to District Court by *Telescope Media Group v. Lucero*, 936 F.3d 740 (8th Cir. 2019).

13. *United States v. Heinrich*, Crim. File No. 15-340

In 1989, eleven-year-old Jacob Wetterling was kidnapped while riding his bicycle and, for more than 25 years, his disappearance remained a mystery. Jacob's mother became a national advocate for missing and exploited children, and a federal law regarding sex offender registration was enacted with Jacob's name. In 2016, a federal plea agreement led to Defendant Danny Heinrich pleading guilty to receipt of child pornography and revealing the details of his murder of Jacob. The District Court sentenced Heinrich to the maximum sentence of twenty years and noted that Heinrich "stole the innocence of children's lives in the small towns, in the rural areas and the cities in Minnesota and beyond."

14. *United States v. Petters*, Criminal File No. 08-364; *United States v. Petters*, Civil File No. 08-5348; *In re: Petters Co., Inc.*, Bankr. Case No. 08-45257; *In re: Polaroid Corp.*, Bankr. Case No. 08-46617

Defendant Thomas Petters operated a \$3.5 billion Ponzi scheme, the largest Ponzi scheme in Minnesota history. In the criminal case, a jury convicted Petters of wire fraud, mail fraud, and money laundering. The District Court sentenced Petters to 50 years in prison, the longest prison sentence ever ordered for a financial fraud case in Minnesota. The Eighth Circuit affirmed the conviction and sentence. In the civil matters, the District Court and the Bankruptcy Court coordinated regarding asset recovery, ensuring an efficient method of maximizing recovery to the victims.

United States v. Petters, 663 F.3d 375 (8th Cir. 2011).

15. *U.S. Jaycees v. McClure*, Civil File No. 4:79-530

The United States Jaycees, an organization for young business leaders, had a membership policy which admitted women only as "associate members" who could work on projects but were not eligible to vote or run for office or to receive achievement awards. The State of Minnesota interpreted the Minnesota Human Rights Act's ban on sex discrimination in places of public accommodation to enjoin the Jaycees from discriminating against any members on the basis of sex. The Jaycees brought an action claiming a violation of its right to freedom of association. The District Court concluded that the State's interest in eliminating invidious sexual discrimination was sufficiently compelling to overcome the Jaycees' right to associate only with men. There was no reason to believe that the Jaycees' associational purpose, to advance the interests of young men, would be destroyed if women became individual members as opposed to associate members. Furthermore, the Minnesota Human Rights Act was not unconstitutionally vague. The result of the District Court's decision was to prevent the Jaycees

from discriminating against women in its membership policy. The Eighth Circuit reversed, but the Supreme Court upheld the District Court's decision.

U.S. Jaycees v. McClure, 534 F. Supp. 766 (D. Minn. 1982), *rev'd*, 709 F.2d 1560 (8th Cir. 1983), *rev'd*, 468 U.S. 609 (1984).

16. *Welsch v. Likins*, Civil File No. 4:72-451

Patricia Welsch, on behalf of all patients with developmental disabilities committed to state institutions against their will, brought suit against the Minnesota Commissioner of Public Welfare. She alleged that the State of Minnesota was violating their due process rights under the Fourteenth Amendment and that certain conditions at the institutions violated the Eighth Amendment's prohibition against cruel and unusual punishment. These practices included seclusion in "isolation" rooms, severe physical restraints, and excessive use of tranquilizing medication. The District Court ruled that if the State civilly committed people, it had to provide "adequate treatment" which gives the person "a realistic opportunity to be cured or to improve his or her mental condition." The District Court found that patients had the right to a safe and humane living environment with protection from assaults from other residents, reasonable access to exercise and outdoor activities, and basic hygienic conditions. The State was required to make a good faith effort to place patients in the least restrictive setting that would be appropriate for their needs, including considering alternatives such as placement with a friend or in a private facility.

Welsch v. Likins, 373 F. Supp. 487 (D. Minn. 1974), *supplemented*, 68 F.R.D. 589 (D. Minn. 1975), *aff'd*, 525 F.2d 987 (8th Cir. 1975); *Welsch v. Likins*, 550 F.2d 1122 (8th Cir. 1977).

17. *White v. National Football League*, Civil File No. 92-906

In 1992, Reggie White and other NFL players commenced an antitrust class action suit against the National Football League on behalf of all similarly situated NFL players, seeking injunctive relief and damages stemming from the NFL's free agency system, the college draft, and other NFL rules. The District Court certified a settlement class, and the National Football League Players Association became the exclusive bargaining authority for the players. Based on a class action settlement, over which the District Court retained jurisdiction, the District of Minnesota became the "center of the NFL labor universe for four decades," shaping the sport of professional football and issuing multiple rulings that vindicated players' labor rights.

White v. Nat'l Football League, 822 F. Supp. 1389 (D. Minn. 1993), *aff'd*, 41 F.3d 402 (8th Cir. 1994).



Left to right back row, United States Magistrate Judges Jon T. Huseby, Elizabeth Cowan Wright, David T. Schultz, and John F. Docherty. Left to right front row, United States Magistrate Judges Tony N. Leung, Leo I. Brisbois, and Dulce J. Foster

United States Magistrate Judges for the District of Minnesota

The landmark legislation that created Magistrate Judges nationwide began when Congress instituted a system of magistrates to replace United States commissioners, who in some form or another had served the federal judiciary since the 1790s. Operation of the U.S. commissioner system within district courts varied greatly from one district to another, and the new legislation sought to create more uniformity among the judicial officers who assisted the District Judges. Most commissioners were part-time judicial officers, and no law required them to be attorneys. After the Judicial Conference and several members of Congress recommended broad reform, a Senate Judiciary subcommittee in 1965 opened hearings that led to several innovations in the

federal judiciary, including the Federal Magistrates Act of 1968. This act instituted a salary schedule to replace the fee system and required all magistrates to be members of the bar of the high court in their respective states. Congress created the positions of full-time magistrates who would serve a term of eight years and part-time magistrates who would serve four years. Subsequent legislation expanded the magistrates' trial authority, especially in civil cases, and the Judicial Improvements Act of 1990 changed the title of the office to what we know it as today, Magistrate Judge.

Magistrate judges assist district court judges in several ways in both criminal and civil cases. Initially, magistrate judges were limited to hearing non-dispositive motions and conducting pretrial conferences and hearings. Since then, however, Congress has expanded the powers of magistrate judges to hear a variety of motions. Magistrate judges may issue warrants, conduct preliminary hearings, set conditions of release for defendants, and conduct trials in misdemeanor cases by consent of the person charged. Magistrate judges are also authorized, upon designation by the district court and consent of the parties, to conduct any or all proceedings in a jury or nonjury civil trial. They may hear and decide any non-dispositive motion pending before the court. While magistrate judges may also hear dispositive motions, they are not authorized to decide such motions, but submit proposed findings and recommendations for disposition to a judge of the district court. Finally, Congress has enacted a rather elastic provision whereby magistrate judges may be assigned "such additional duties as are not inconsistent with the Constitution and laws of the United States."²¹

Magistrate judges in the District of Minnesota handle all pre-trial motions in criminal cases, act as magistrate in multi-district litigation cases, hear motions in civil cases, handle all settlement conferences, and hear Social Security cases. Magistrate judges also sit on important committees and working groups, both for the district and beyond, to ensure that Minnesota is a model for other districts to look to for technology utilization, community engagement, federal practice, and media relations.

Magistrate judges are appointed by the judges of the district court in which the magistrate judge will serve. Full-time magistrate judges are appointed for a term of eight years; part-time magistrate judges are appointed to four-year terms. The district court judges have also been assisted by part-time magistrate judges who work less than half-time.



Back Row, United States Bankruptcy Judges William J. Fisher, and Michael E. Ridgway
Front Row, Keshia L. Tanabe, and Katherine A. Constantine

History of the United States Bankruptcy Court for the District of Minnesota

While there had been several other short-lived bankruptcy laws in the United States, the first comprehensive bankruptcy law was the Bankruptcy Act of 1898. As with other federal statutes, jurisdiction over bankruptcy cases was vested in the United States District Courts, which were designated in the Bankruptcy Act as "courts of bankruptcy." The Bankruptcy Act provided for the appointment of bankruptcy referees and Minnesota's district judge, William Lochren, immediately appointed 12 part-time referees to sit around the state of Minnesota, covering every part of the state from Winona, to Marshall, Crookston, to Duluth. The referees were assigned cases in specific counties. While these appointments provided an immediate presence of the federal court in virtually every part of the state, it turned out to be inefficient and over the years, fewer referees were appointed, and various referees' offices consolidated.

Although little is known of these early referees, one of them was nationally prominent. Herbert M. Bierce sat in Winona and served the southeast corner of Minnesota as a referee from 1918 through 1951. In 1926, Bierce was one of the founders of the National Conference of Referees in Bankruptcy and the first editor-in-chief of the Journal of the National Conference of Referees in Bankruptcy, heading that publication from 1926 through 1949. The journal that he pioneered is now called the American Bankruptcy Law Journal and is the premier law review on the subject of bankruptcy in the United States, and the journal is still published by the organization that he helped found, now known as the National Conference of Bankruptcy Judges. Nancy C. Dreher and Margaret A. Mahoney, former bankruptcy judges for the District of Minnesota, have both served as editors-in-chief of the Journal.

Over the years, the nature of the court of bankruptcy in Minnesota evolved from the use of large numbers of part-time referees in disparate locations towards full-time referees sitting in the Twin Cities. George A. Heisey was appointed in 1945, later becoming the district's first full-time referee, sitting in Minneapolis and Duluth. Referee James Giblin followed in 1948, sitting in St. Paul and assuming responsibility for most of the rest of the state. From 1950 to 1958, Heisey and Giblin were Minnesota's only referees.

By 1966, there were four full-time bankruptcy referees serving Minnesota, all stationed in the Twin Cities. George Heisey retired but continued to assist on a part-time basis. In recognition of the fact that the business of the district court, sitting in its capacity as the court of bankruptcy, had become substantial and specialized, Chief District Judge Edward Devitt designated Referee Kenneth G. Owens as the district's "executive referee" perhaps for the first time recognizing the bankruptcy referees as a distinct part of the district court. Also, in 1966, the Judicial Conference of the United States authorized the appointment of a full-time referee in bankruptcy for the District of North Dakota but authorized the North Dakota bankruptcy referee to handle bankruptcy cases for most of the Sixth Division of Minnesota, constituting the northwest quadrant of the state. Chief Judge Devitt immediately made use of the North Dakota referee's expanded jurisdiction and authorized the referral of Minnesota bankruptcy cases in the Sixth Division to the North Dakota bankruptcy referee. This arrangement continued until 1984, during which time the citizens of northwestern Minnesota were served by three different North Dakota bankruptcy referees and judges.

In 1973, the Supreme Court, for the first time, promulgated bankruptcy rules. Among many changes, three major changes were made regarding the bankruptcy referees. The jurisdiction of the courts of bankruptcy was expanded; the referees were authorized to make final orders in most matters in a bankruptcy case, subject only to review by a district judge on appeal under ordinary appellate standards; and the title of the referee was changed to "bankruptcy judge." Three years later, in 1976, based on a recommendation of the Judicial Conference of the United States, the District Court in Minnesota gave all its bankruptcy judges district-wide jurisdiction.

Starting in 1979, change came rapidly. The Bankruptcy Reform Act of 1978 totally reorganized the method for handling bankruptcy cases. Effective October 1, 1979, a separate United States bankruptcy court was created for each judicial district. A transition period from October 1,

1979, through March 31, 1984, was designated, during which time the United States bankruptcy courts were "departments" of their respective United States district courts and bankruptcy judges would continue to be appointed by the District Court. At the end of this transition period, the bankruptcy courts would become "adjuncts" to the district courts and bankruptcy judges would be appointed by the President for terms of fourteen years. The Bankruptcy Amendments and Federal Judgeship Act of 1984 moved the appointment process away from Congress and the President and into the hands of the circuit judges, leading to a much less politicized process. The Bankruptcy Reform Act also created, for the first time, the position of clerk of bankruptcy court, which is currently held by Tricia M. Pepin.



The Bankruptcy Court, 1970 - 1982: (l to r): John J. Connelly, Kenneth G. Owens, Jacob Dim, Patrick J. McNulty, and Hartley Nordin

The contemplated transition never occurred. In an appeal from the United States Bankruptcy Court for this district, Chief District Judge Miles W. Lord held that the arrangement provided by the Bankruptcy Reform Act of 1978 was unconstitutional. In *Marathon Pipeline Co. v. Northern Pipeline Const. Co.*, 12 B.R. 946 (D. Minn. 1981), Judge Lord determined that since bankruptcy judges did not have lifetime tenure and the salary guaranties of Article III of the Constitution, they could not be vested with the broad jurisdiction that the Bankruptcy Reform Act had given them. The Supreme Court agreed with Judge Lord, *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982) and suddenly the new United States bankruptcy courts were left without any authority.

The year 1982 began not only a period of much jurisdictional flux, but it was also the beginning of an enormous amount of change in Minnesota. Since 1970, Minnesota had been served by the same five bankruptcy judges: two full-time bankruptcy judges in Minneapolis, two in St. Paul, and a half-time bankruptcy judge in Duluth, in addition to the service of the North Dakota bankruptcy judge in the Sixth Division. In 1982, reportedly while discussing the Supreme Court's *Marathon* decision with his law clerk, Judge Jacob Dim died. He was replaced later that year by Robert J. Kressel, who became Minnesota's first new bankruptcy judge in 12 years and its first new full-time bankruptcy judge in 16 years. The following year, Judge Owens died and Judge

Hartley Nordin retired. In 1984 they were replaced by Dennis D. O'Brien and Margaret A. Mahoney, respectively. Judge Mahoney thereby became the first woman bankruptcy judge in Minnesota's history. Also, in 1984, Judge Patrick J. McNulty, the half-time bankruptcy judge in Duluth, became a full-time magistrate judge. Judge McNulty was replaced for a brief period by Judge O'Brien before he accepted the position as Judge Owen's successor. Judge McNulty's position was then filled by Gregory F. Kishel. Thus, in a period of less than a year and a half, four out of Minnesota's five bankruptcy judges were new.



The Bankruptcy Court, 1984 - 1987: Standing (l to r) Gregory F. Kishel, John J. Connelly, and Robert J. Kressel; seated (l to r) Margaret A. Mahoney and Dennis D. O'Brien.

Finally, in the summer of 1984, Congress reacted to the Supreme Court's *Marathon* decision issued almost exactly two years earlier and passed the Bankruptcy Amendments and Federal Judgeship Act of 1984, P.L. 98-353, reconstituting the bankruptcy court as a "unit" of the district court and containing other provisions in an attempt to cure the constitutional problems with the Bankruptcy Reform Act of 1978. While adding some stability to the court, the 1984 Act had other unfortunate results. It resulted in the elimination of the arrangement with the bankruptcy court in North Dakota, and the Sixth Division of Minnesota once again became the responsibility of Minnesota's bankruptcy judges. In response, the Clerk opened a divisional office in Fergus Falls, which then became a regular place of holding court. The Act also eliminated all part-time bankruptcy judge positions in the country effective two years after its enactment. Thus, the half-time position that had existed in Duluth since 1970 was terminated in July of 1986, although the Clerk continues to maintain a divisional office there.

The Bankruptcy Reform Act of 1978 was to have provided for a Chief Bankruptcy Judge at the end of the transition period. However, since the transition period never ended, the provision in that Act for a Chief Bankruptcy Judge never became effective. The Bankruptcy Amendments and Federal Judgeship Act also contained a provision for appointment by the district court of a Chief Bankruptcy Judge. As a result, in 1984, John J. Connelly became Minnesota's first Chief Bankruptcy Judge. Two years later with Judge Connelly's retirement, Gregory F. Kishel, who had served as the part-time judge in Duluth until its elimination, succeeded Judge Connelly in St. Paul, and Judge Kressel became Minnesota's second Chief Bankruptcy Judge. The transition from the old to the new was complete and Minnesota had an entirely new bankruptcy court.

With her appointment in 1988, succeeding Judge Mahoney who resigned to become a bankruptcy judge for the Southern District of Texas, Nancy C. Dreher became the 48th in a line of men and women to serve the District of Minnesota as bankruptcy referees and bankruptcy judges and the 11th to occupy that position on a full-time basis.



The Bankruptcy Court, 1988 - 2012 (l to r): Dennis D. O'Brien, Gregory F. Kishel, Nancy C. Dreher and Robert J. Kressel.

Patrick G. De Wane succeeded Timothy R. Walbridge as Clerk of Court in 1990 and Judge O'Brien succeeded Judge Kressel as Chief Judge in 1993. In due course, Judge Kishel replaced Judge O'Brien as Chief Judge in 2000 and Patrick G. De Wane was replaced by Lori A. Vosejka as Clerk in 2004.

In 2007, Nancy C. Dreher succeeded Gregory F. Kishel as Chief Judge and became Minnesota's first female Chief Bankruptcy Judge. She served in that position until January of 2011, when she

retired. The retirement was nominal, however, since the Eighth Circuit Judicial Council immediately recalled her, and she continued to work full time and was not replaced. As a result of Judge Dreher's recall status, Gregory F. Kishel again became Chief Judge, becoming the first person to fill that position twice.

A new transition started in 2012, when Judge Robert J. Kressel retired. He was recalled to work part time and was replaced by Judge Kathleen Hvass Sanberg, who became Minnesota's first new bankruptcy judge in nearly a quarter of a century.

On November 23, 2012, Judge Nancy C. Dreher died, eight years after receiving a double lung transplant. In May of 2013, Michael E. Ridgway was appointed to replace Judge Dreher. Shortly thereafter, Judge O'Brien retired on June 30, 2013, and was replaced the next day by Katherine A. Constantine.

As this second transition was occurring, Chief Judge Kishel took to referring to Judges Kressel, O'Brien, Dreher, and himself as the "Legacy Judges." Chief Judge Kishel was the last of the Legacy Judges in regular service. He retired on May 31, 2016, and he was replaced the next day by Judge William J. Fisher. As a result of Chief Judge Kishel's retirement, the district appointed Judge Sanberg to a three-year term to replace him as Chief Judge. In June of 2019, upon the expiration of Judge Sanberg's term as Chief Judge, the district court appointed Judge Ridgway to succeed her as Chief Judge.

On June 30, 2021, Judge Robert J. Kressel retired after serving multiple recall terms. He was the second longest serving bankruptcy judge in the country. On July 30, 2021, Clerk of Court Lori A. Vosejka retired, and was replaced by Tricia Pepin. On January 6, 2022, Judge Kathleen H. Sanberg retired. She was replaced by Judge Kesha L. Tanabe on January 7, 2022. On June 22, 2022, upon the expiration of Judge Ridgway's term as chief judge, the district court appointed Judge Constantine to succeed him as chief judge.

Note: This history of the United States Bankruptcy Court for the District of Minnesota was authored by retired Bankruptcy Judge Robert J. Kressel, past President of the Minnesota Branch of the Eighth Circuit Historical Society

As part of the Bankruptcy Reform Act of 1978, Congress created a Bankruptcy Court and for the first time a separate Clerk of the Bankruptcy Court. Four people have served as Clerk of the United States Bankruptcy Court for the District of Minnesota.

Timothy R. Walbridge Appointed 1979

Patrick G. De Wane Appointed 1990

Lori A. Vosejka Appointed 2004

Tricia M. Pepin Appointed 2021

United States Clerk of Court for the District of Minnesota

The office of the Clerk of the United States District Court was provided for in the First Judiciary Act in 1789, which authorized a judge for each district and allowed the judge to appoint a Clerk of Court. The Clerk of the District Court also served as the Clerk of the Circuit Court because the office of Circuit Court Judge was not established until 1869. Prior to 1869, one of the justices of the United States Supreme Court was responsible for judicial matters assigned in an assigned circuit. By act of Congress in 1839, the justice assigned to the circuit and the district judge jointly were authorized to appoint a separate clerk for the circuit court, but often the same individual was appointed to both offices. Separate clerks for circuit and district courts became the norm in 1869, when the office circuit court judge was established and given the authority to appoint a clerk of the circuit court without the concurrence of the district court judge. As the judicial system grew, it became common for districts with more than one judge to have a clerk appointed by each of the judges in the district. Thus, each division of each district had its own judge and its own clerk. The judicial code of 1948 ended this confusion by providing that there should be one clerk for the district regardless of the number of divisions and that the clerk would be responsible for all offices within the district.

Historically, the most important duty associated with the clerk is the maintenance of the records of the Court. The First Judiciary Act required the clerk to “record all the orders, decrees, judgments, and proceedings of said court.” In more recent times as the courts have become more complex, the clerk’s position has evolved into that of the modern-day administrator of a complex governmental organization.

Originally, the Clerk of Court was compensated by the allowance of fees established by statute. The Act of 1792, for example, allowed the federal court clerk to collect the same fees as those normally charged by the clerks of the state in which the federal court was located. In addition, the clerk was allowed \$5 a day for attending any session of court and 10 cents per mile for the clerk’s expense in traveling from place to place within the district. In 1814 the compensation of the clerk was changed from one of fees charged to entitlement of one-half of one percent from all monies deposited in the court. Finally, in 1919, all clerks of court were paid a salary determined by the Attorney General of the United States which ranged from \$2,500 and \$5,000 a year. Fiscal supervision of the Clerk of Court was exercised by the Attorney General until the Administrative Office of the U.S. Courts was established by Congress in 1939.

The following individuals have served as clerk of the United States District Court for the District of Minnesota:

George W. Prescott	Appointed 1858
James W. Taylor	Appointed 1861
William A. Spencer	Appointed 1863
Charles L. Spencer	Appointed 1897
Joel M. Dickey	Appointed 1921
Margaret L. Mullane	Appointed 1932

Thomas H. Howard	Appointed 1939
Chell Smith	Appointed 1950
Frank A. Massey	Appointed 1956
Harry A. Sieben	Appointed 1971
Robert E. Hess	Appointed 1980
Francis E. Dosal	Appointed 1984
Richard D. Sletten	Appointed 2001
Kate M. Fogarty	Appointed 2018

Acknowledgements

The District Court wishes to thank the History Committee and the following people who helped to create this history. Margaret H. Chutich assisted Judge Diana Murphy in editing the final drafts and chaired a committee of former federal court law clerks who wrote portions of the history – Martin D. Munic, Susan M. Thomas, John J. Scanlon, III, George A. Koeck, and Denise Reilly. Celia McGuinness, a student intern, and Professor Joan R. Gunderson worked on a first draft of the history. Duane W. Krohnke gathered information and opinions about significant constitutional cases decided in this Court. The Honorable J. Earl Cudd and the Honorable Robert J. Kressel researched and wrote portions of the history about the duties of the magistrate judges and bankruptcy judges. Francis E. Dosal, the Clerk of Court, researched and wrote the history of his office and provided technical support. Thanks also go to Robert J. Sheran for this help in organization and support and to West Publishing Company which printed the history.

In 2019, the Eighth Circuit Historical Society, Minnesota Chapter, assumed responsibility for the updating of this important historical document. Chief Judge John R. Tunheim, Bankruptcy Judge Robert J. Kressel, Thomas Boyd, Thomas Nelson, Andrea Wambach, Michael Vicklund, Rebeccah Parks, Katie Haagenson, Mary Betinsky, and Kate Fogarty served as the editors. Clare Priest gathered information and opinions about significant constitutional cases. The book will be updated annually by the Clerk of Court in future years.

Other reference materials exist on the Court. A most valuable resource is the earlier *History of the United States District Court of Minnesota* which was published in 1976 under the leadership of then Chief Judge Edward J. Devitt. Biographies of several of the early judges are featured in Volume 1 and 2 of the *History of the Bench and Bar of Minnesota* (Ed H. Stevens 1904). Recorded interviews with each of the living judges are available at the Eighth Circuit Library. In the interviews, the judges discuss the work of the court, their lives, and their thoughts on the justice system. This video production is entitled “Portraits of Justice.” It draws on highlights of the interviews and other materials to tell the story of the Court and its Judges.

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Appendix

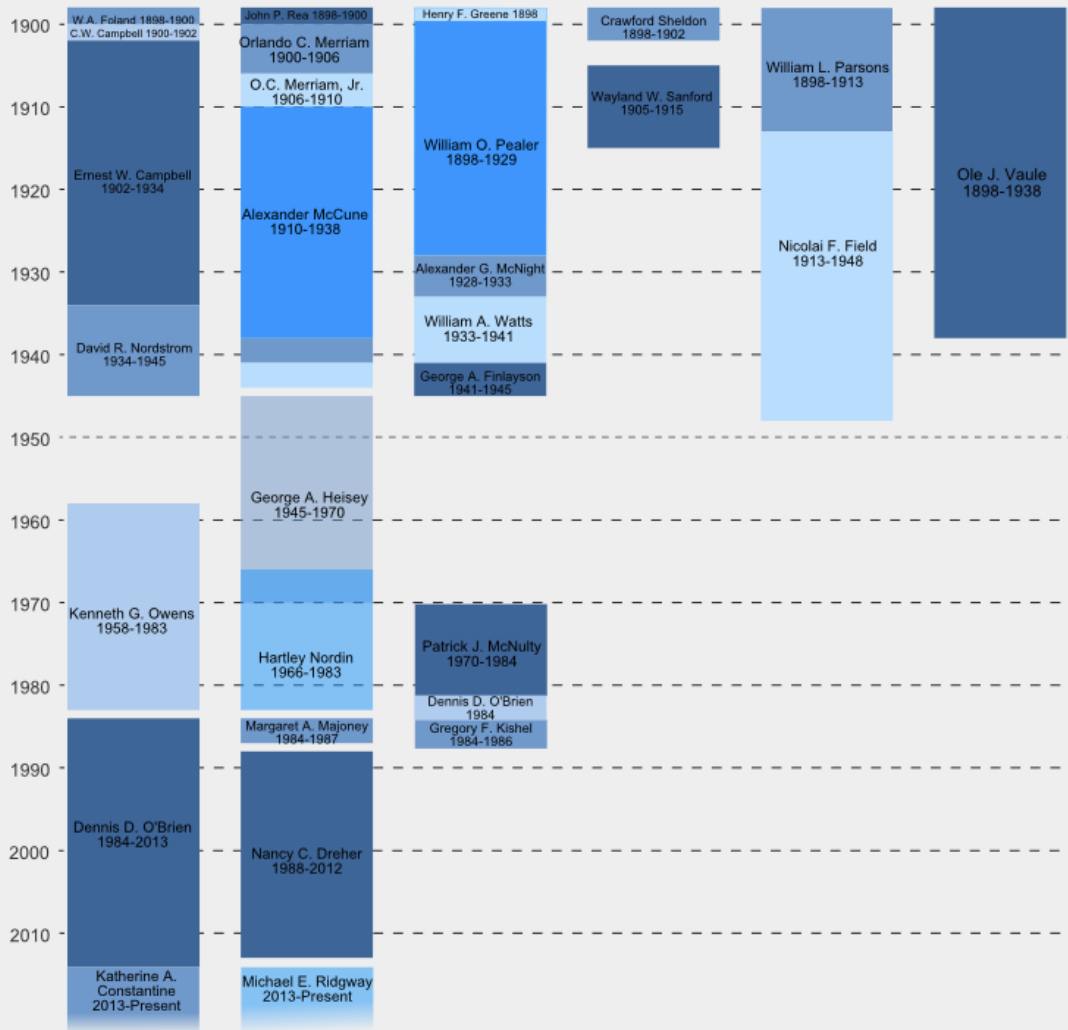
TABLES OF SUCCESSION

UNITED STATES DISTRICT COURT for the DISTRICT OF MINNESOTA						
TABLE OF SUCCESSION						
First Judgeship (Auth. 1858)	Second Judgeship (Auth. 1903)	Third Judgeship (Auth. 1922)	Fourth Judgeship (Auth. 1930)	Fifth Judgeship (Auth. 1979)	Sixth Judgeship (Auth. 1979)	Seventh Judgeship (Auth. 1984)
Rensselaer R. Nelson (1858–1896)						
William Lochren (1896–1908)	Page Morris (1903–1923)	John F. McGee (1923–1925)				
Milton Purdy (1908–1908)	William A. Cant (1923–1933)	Joseph W. Molyneaux (1925–1937)				
Charles A. Willard (1909–1914)	Robert C. Bell (1933–1961)	George F. Sullivan (1937–1944)	Gunnar H. Nordbye (1931–1967)			
Wilbur F. Booth (1914–1925)	Earl R. Larson (1961–1977)	Dennis F. Donovan (1945–1966)	Philip Neville (1967–1974)			
John B. Sanborn (1925–1932)		Miles W. Lord (1966–1985)	Donald D. Alsop (1975–1992)	Robert G. Renner (1980–1992)	Diana E. Murphy (1980–1994)	
Matthew M. Joyce (1932–1954)	Harry H. MacLaughlin (1977–1992)	David S. Doty (1987–1998)		Richard H. Kyle (1992–2005)		James M. Rosenbaum (1985–2010)
Edward J. Devitt (1954–1981)	Michael J. Davis (1994–2015)	Donovan W. Frank (1998–2016)	John R. Tunheim (1995–)	Patrick J. Schiltz (2006–)	Ann D. Montgomery (1996–2016)	
Paul A. Magnuson (1981–2002)	Wilhelmina M. Wright (2016–)	Eric C. Tostrud (2018–)			Nancy E. Brasel (2018–)	Susan Richard Nelson (2010–2021)
Joan N. Erickson (2002–2019)						Jerry W. Blackwell (2022–)
Kate M. Menendez (2021–)						

The Table of Succession outlines each of the Federal Court Judgeships and the length of service of each United States District Court Judge

United States Bankruptcy Court -- Referees and Judges

Table of Succession



United States Bankruptcy Court -- Referees and Judges (cont'd)
Table of Succession

