

MINNESOTA JUSTICES SERIES
No. 2

THE PROFESSIONAL CAREER
OF ROBERT J. SHERAN

VOLUME 1
LIFE LEGAL AND JUDICIAL
CAREER

ST. PAUL
1982



VOLUME 1

LIFE LEGAL AND JUDICIAL CAREER

Table of Contents

Acknowledgement	i
Introduction	ii
CHAPTER 1	
Biographical Information	
A. Biography	1
B. Amicus Curiae	7
C. Law and Legislative Career	
1. Poster for Former Lt. Governor	10
2. Voting Advertisement	11
3. Head of Bar Association	12
CHAPTER 2	
Associate Justice of the Minnesota Supreme Court 1963-1970	
A. Selected Letters on Appointment	
1. Byron G. Allen-Democratic National Committeeman; Candidate for Governor, Minnesota	13
2. Elmer L. Anderson-Governor of Minnesota	14
3. Harry A. Blackmun-Attorney at Law, Minnesota; Judge, U.S. Circuit Court of Appeals	15
4. Val Bjornson-Minnesota State Treasurer	16
5. Lyman A. Brink-Judge, District Court, Minnesota, Ninth District	17
6. Thomas Conlin-Esquire	18
7. Marty Crowe-Classmate	19
8. Edward J. Devitt-Judge, U.S. District Court	21
9. Clement De Muth-Pastor; Missionary Korea	22
10. George D. Erickson-Judge, District Court Minnesota, Ninth District	23
11. Edward Fitzgerald-Bishop of Winona	24
12. Donald M. Fraser-U.S. Congressman (currently Mayor of Minneapolis)	25
13. Kelton Gage-Esquire	26

14.	Edward J. Gavin-Esquire	27
15.	Leonard L. Harkness-State 4-H Club Leader; Agricultural Professor, University of Minnesota	28
16.	Rex H. Hill-Mayor of Mankato	29
17.	Fred Hughes-Esquire; Regent of University of Minnesota	30
18.	Hubert H. Humphrey-U.S. Senate	31
19.	Gus Johnson-Esquire	32
20.	Wynn Kearny, M.D.	33
21.	Bernhard Le Vander-Law School Classmate	35
22.	Robert Lloyd-Personal Friend	36
23.	Perry Moore, Esquire	37
24.	Eugene J. McCarthy-U.S. Senate	38
25.	Paul J. McGough-Esquire	39
26.	Frederick Manfred-Author of Indian Lore and Minnesota History	40
27.	Milton Mason-Judge, District Court, Fifth District	41
28.	Joseph A. Maun-Esquire	43
29.	Walter F. Mondale-Minnesota Attorney General, U.S. Senate; U.S. Vice- President	44
30.	Joe Morrison-Judge, Probate Court	45
31.	Edward L. Murphy-Businessman	46
32.	James F. Murphy-Judge, District Court Ninth District	47
33.	Mercedes Nelson-Educator	48
34.	Arthur H. Ogle-Esquire	49
35.	Joseph P. O'Hara-Esquire	50
36.	Warren F. Plunkett-Judge, District Court Third District	51
37.	William J. Quinn-Personal Friend; Debate Teammate	53
38.	Robert V. Bensch-Judge, District Court Second District	54
39.	Eugene A. Rerat-Esquire	55
40.	C. A. Rolloff-Judge, District Court, Eighth District	57
41.	Karl F. Rolvaag-Lt. Governor and Governor of Minnesota	58
42.	Robert W. Scott-Esquire	59
43.	Bob Selnes-Judge, District Court	60
44.	James P. Shannon-Former Bishop of Minnesota, Currently General Mills Executive	61
45.	John Simonett-Associate Justice, Supreme Court of Minnesota	63
46.	Bruce C. Stone-Judge, District Court, Fourth District	64
47.	William Stradtman-Esquire	65
48.	Crane Winton-Judge, District Court Fourth District	66
49.	Luther Youngdahl-Former Governor of Minnesota, Judge, U.S. District Court	67

B. Articles and Letters as Associate Justice

1. Robert Sheran is New Supreme Court Associate Justice	68
2. Election Advertisement	70
3. Letter from Elmer L. Anderson	71
4. Letter from Orville L. Freeman, Governor of Minnesota; Secretary, U.S. Department of Agricultural	72
5. Letter from Luther Sletten-Judge, District Court, Fourth District	73
6. Letter from Hubert H. Humphrey-U.S. Vice-President	74
7. Reading fills Life of Former Mankatoan	75

C. Letters on Retirement

1. Douglas K. Amdahl-Judge, District (currently Chief Justice, Minnesota Supreme Court)	78
2. Elmer L. Anderson	79
3. Harry A. Blackmun-Judge, U.S. Supreme Court	80
4. J. Brainerd Clarkson-Esquire	81
5. Edward J. Devitt	82
6. Donald Franke-Judge, District Court Third District	83
7. Orville L. Freeman	84
8. Sidney P. Gislason-Esquire	85
9. Douglas M. Head-Minnesota Attorney General	86
10. Fred J. Hughes	87
11. A.M. Keith-Esquire	88
12. Glenn Kelley-Judge, District Court Third District, Associate Justice Minnesota Supreme Court	89
13. William B. Lockhart-Dean, University of Minnesota Law School	90
14. Eugene J. McCarthy	91
15. John S. Pillsbury-Law School Classmate, State Senator	92
16. Ralph Rossen-M.D.; Director, Mount Sinai Hospital	93
17. William J. Quinn	94
18. George M. Scott-Hennepin County Attorney, Associate Justice, Minnesota Supreme Court	95
19. Charles R. Weaver-U.S. Congressman	96
20. Eugene Worley-Chief Judge, U.S. Court of Customs and Patent Appeals	97

CHAPTER 3

Chief Justice of the Minnesota Supreme Court 1973-1981

A. Articles on Judge Sheran as Chief Justice	
1. Mr. Chief Justice Sheran - A Law Firm Appreciation by Leonard Lindquist - 42 Hennepin Lawyer 1 (1974)	98
2. Sheran Returns to Court as Chief Justice by Kenneth Kirwin, - 30 Bench and Bar 19 (1974)	102
B. Selected Letters on Appointment	
1. Elmer L. Anderson	105
2. Leslie L. Anderson-Judge District Court, Fourth District	106
3. Carl Auerbach-Professor, University of Minnesota Law School	107
4. Donald T. Barbeau-Judge, District Court, Fourth District	108
5. Frank R. Barth-President, Gustavus Adolphus College	109
6. Harry A. Blackmun	110
7. Irving R. Brand-Esquire	111
8. Robert E. Bowen-Esquire	112
9. Leo E. Byrne-Archbishop Co-adjuter of St. Paul and Minneapolis	113
10. Thomas L. Carlin-General Manager, St. Paul Dispatch/Pioneer Press	114
11. Charles E. Cashman-Judge, County Court	115
12. Gerald W. Christenson-Director, State Planning Agency	116
13. Thomas M. Conlin-Esquire	117
14. Edward J. Devitt	118
15. Peter Dorsey-Esquire	119
16. Albert A. Eisele-Journalist-Ridder Publications	120
17. Charlotte Farrish-Former Law Partner	121
18. Orville L. Freeman-President, Business International	122
19. Edward J. Gavin-Esquire	123
20. Frank Hammond-Esquire	124
21. Arnold Hatfield-Judge, District Court Retired, Third District	125
22. Hubert H. Humphrey	126
23. L.J. Irvine-Judge, District Court Fourth District	127

24.	Gus Johnson-Esquire	128
25.	Glenn Kelley	129
26.	Leonard J. Keyes-Esquire	130
27.	Theodore B. Knudson-Judge, District Court, Fourth District	131
28.	Jonathan Lebedoff-Judge, District Court, Fourth District	132
29.	Bernhard W. Le Vander-Esquire	133
30.	Milton Mason	134
31.	Leslie H. Morse-Esquire	135
32.	Edward D. Mulally-Judge, District Court Second District	137
33.	Edward Murphy-President, Murphy Motors	139
34.	James F. Murphy-Judge, District Court Ninth District	140
35.	Terrence J. Murphy-President, College of St. Thomas	141
36.	Mercedes L. Nelson	142
37.	Clifford Olson-Judge, County Court	143
38.	James C. Otis-Associate Justice, Minnesota Supreme Court	144
39.	Walter F. Rogosheske, Associate Justice Minnesota Supreme Court	145
40.	John S. Pillsbury	146
41.	Maynard E. Pirsig-Law Professor	147
42.	William F. Quinn-Chairman of Board, Chicago, Milwaukee R.R.	148
43.	Neil A. Riley-Judge, Municipal Court Fourth District	149
44.	Arthur A. Rouner, Jr.-Pastor, Colonial Church of Edina	150
45.	Joseph Robbie-Managing Partner, Miami Dolphins	151
46.	James D. Rodgers-Chief Judge, Municipal Court, Fourth District	152
47.	Ralph Rossen-M.D.	153
48.	Warren A. Saetre-Judge, District Court Seventh District	154
49.	Paul E. Schuessler-Pastor, Algrim Lutheran Church, St. Paul	155
50.	James P. Shannon	156
51.	Urban I. Steimann-Judge, District Court, Third District	157

C. Letters on Retirement as Chief Justice

1.	Cliff J. Benson-Esquire	158
2.	Dave Durenberge-U.S. Senator	159
3.	John E. Derus-Board of Hennepin County Commissioners	160

4.	Ralph J. Erickstad-Chief Justice of North Dakota Supreme Court	161
5.	Frank S. Farrell-Senior Vice President, Law and Secretary	162
6.	Edward R. Garvey-Executive Director of National Football League Players Assn.	163
7.	Rabbi Arnold M. Goodman-Adath Jeshurun Congregation	164
8.	Alfred H. Joslin-Esquire	166
9.	John C. Lindstrom-Judge, District Court, Eighth District	167
10.	William J. Nierengarten-Esquire	168
11.	Albert H. Quie-Governor of State of Minnesota	169
12.	Gerald A. Regnier-Esquire	171
13.	William S. Rosen-Esquire	172
14.	Warren Spannaus-Attorney General of State of Minnesota	173
15.	Harold E. Stassen-Former Governor of State of Minnesota	174
16.	Bruce C. Stone-Judge, District Court, Fourth District	175
17.	Bruce F. Vento-U.S. Congressman	176
18.	Ernst John Watts-Dean of The National Judicial College	177
19.	DePaul Willette-Judge, District Court, Eighth District	178
20.	Roger L. Wollman-Chief Justice of South Dakota Supreme Court	179
21.	Stephen B. Young-Dean of Hamlin University School of Law	180

CHAPTER 4

Personal Accounts of Friends and Colleagues

1.	Tim Baland-Law Clerk	181
2.	Albert Barney-Chief Justice, Vermont Supreme Court	191
3.	Harry A. Blackmun-Associate Justice U.S. Supreme Court	192
4.	John H. Erickson-Law Clerk	209
5.	David F. Fitzgerald-Law Clerk	213
6.	Thomas F. Gallagher-Associate Justice, Minnesota Supreme Court	214
7.	Loren Gross-Law Clerk	215
8.	John Guthmann-Law Clerk	219
9.	Barbara Isaacman-Law Clerk	220
10.	Robert W. Johnson	223A
11.	Dorothy Marchant	223C
12.	Glenn O. Nelson-Law Clerk	224

13.	Carol O'Keefe-Secretary to Chief Justice Sheran	226
14.	Bruce Peterson-Law Clerk	227
15.	William J. Quinn-Debate Partner	234
16.	Deborah M. Regan-Law Clerk	237
17.	Sidney A. Rand-President, Emeritus St. Olaf College	238
18.	James P. Shannon-Vice-President Foundation	239
19.	Robert F. Utter-Chief Justice, Washington Washington Supreme Court	240

CHAPTER 5

Certificates and Honors

1.	Minnesota Law Review Student, 1938	243
2.	University of Minnesota Bachelor of Laws Degree, 1939	244
3.	Admission into State Practice, 1939	245
4.	Picture signed by J. Edgar Hoover, 1945	246
5.	Admission to Practice in District Courts, 1945	247
6.	War Service Certificate, 1945	248
7.	Katherine Schmoll Will Contest, 1952	249
8.	Admission to Practice in Court of Appeals, 1953	250
9.	Appointment as Associate Justice, 1963	251
10.	Doctor of Laws at St. Mary's College, 1963	252
11.	The Teresa of Avila Award, 1964	254
12.	Marshman Wattson Memorial Award, 1965	255
13.	Doctor of Laws at William Mitchell College of Law, 1975	257
14.	Doctor of Laws at Hamline University School of Law, 1976	258
15.	Certificate of Election, 1976	259
16.	Special Commendation at University of Minnesota, 1977	260
17.	Alumni Service Award at University of Minnesota, 1980	261
18.	Resolution by Hennepin County Board of Commissioners, 1981	263
19.	Trees for Israel, 1981	264

CHAPTER 6

Regional Meeting of the International Academy of Trial Lawyers

1.	John Alan Appleman-Esquire	265
2.	Elmer L. Anderson	266

3.	Wendell R. Anderson-U.S. Senate	267
4.	Melvin M. Belli-Esquire	268
5.	James Dempsey-Esquire	269
6.	Bill DeParcq-Esquire	270
7.	James Dolley-Associate Justice, Illinois Supreme Court	271
8.	William H. Erickson-Associate Justice, Colorado Supreme Court	272
9.	Hubert H. Humphrey-U.S. Senate	273
10.	Walter F. Mondale-Vice-President	274
11.	Rudy Perpich-Governor, State of Minnesota	275

VOLUME 2 - Written Communications

Articles, Reports, Opinions

Introduction	i
CHAPTER 7	
The Conference of Chief Justices	
A. Report to the Conference of Chief Justices From the Task Force on a State Court Improvement Act	1
B. Interview with Chief Justice Robert Sheran, Chairman of the Conference of Chief Justices, 13 The Third Branch 1 (1981)	67
C. CCJ. COSCA Leaders Assess Year's Programs <u>8 National Center for State Court Reports</u> 1 (1981)	72
D. Letters to Chief Justice Sheran Regarding the Conference of Chief Justices National Conferences in 1977	
1. Alaska - Robert Boochever	74
2. Alaska - Jay Robinowitz	75
3. Arkansas - C.R. Huie	76
4. Arkansas - C.R. Huie	77
5. California - Frank Richardson	78
6. Connecticut - Charles House	79
7. Idaho - Joseph McFadden	80
8. Kansas - Harold Fatzer	81
9. Maryland - Robert Murphy	82
10. Michigan - Michael Cavanagh	83
11. New Hampshire - Frank Kenison	84
12. New Hampshire - Frank Kenison	85

13.	New Jersey - Richard Hughes	86
14.	New Jersey - Richard Hughes	88
15.	Oregon - Arno Denecke	89
16.	Pennsylvania - Michael Eagen	90
17.	South Dakota - Francis Dunn	91
18.	South Dakota - Mark Geddes	92
19.	Utah - Richard Peay	93
20.	Virginia - Lawrence I'Anson	94

E.	Resolution: In Appreciation of Chief Justice Robert J. Sheran	95
----	--	----

CHAPTER 8

State of the Judiciary Messages

1.	1975	96
2.	1976	119
3.	1977	162
4.	1978	183
5.	1979	217
6.	1980	238
7.	1981	257

CHAPTER 9

Articles Written by Robert J. Sheran

1.	Procedure Outlined to Insure Indigents Adequate Appeal Record. February, 1964, Hennepin Lawyer	297
2.	Advice Given on Appeal Procedure. March, 1964, Hennepin Lawyer	301
3.	Recent U.S. Supreme Court Decisions Affect- ing Criminal Trials in State Courts, January, 1965, Bench and Bar	302
4.	Change Meaning of Due Process. Summer/Fall 1965, Minnesota Welfare	308
5.	Amendments to Rules of Civil Procedure, February 1968, Hennepin Lawyer	314
6.	Minnesota Plan: Mandatory Continuing Legal Education for Lawyers and Judges As A Con- dition For the Maintaining Of Professional Licensing. May 1976, Fordham Law Review	317

7. The Law, Courts; and Lawyers in the Frontier Days of Minnesota: An Informal Legal History of the Years 1835 to 1865, 1976, William Mitchell Law Review 334
8. State Cases Belong in State Courts. October 1978, Creighton Law Review 387
9. State Courts and Federalism in the 1980's: Comment, Summer 1981, William and Mary Law Review 457
10. Propping up State Courts with Federal Dollars. Winter 1978, Judges Journal 470

CHAPTER 10

Introduction

- A. Bibliography of Opinions Written by Robert J. Sheran 479

VOLUME 3 - Verbal Communications

Speeches, Interviews, Comments, Remarks

- Introduction i

CHAPTER 11

Testimony Given Before the United States Congress

1. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. House Judiciary Committee on The State of the Judiciary and Access to Justice. July 28, 1977 1
2. LEAA Funding. Testimony before United States House Judiciary Subcommittee on Crime. March 1, 1978 19
3. Subcommittee on Improvements in Judicial Machinery. U.S. Senate Judiciary Committee on The Allocation of Jurisdiction As Between State and Federal Courts. March 20, 1978 41

4. Subcommittee on Courts, Civil Liberties, and the Administration of Justice on The Minor Dispute Resolution Act. August 2, 1978 59
5. Senate Judiciary Committee on Diversity Jurisdiction and Related Problems. March 21, 1979 76

CHAPTER 12

Addresses Given to the Public

1. Municipal Government - Democracy's Laboratory. Mankato, 1963 144
2. Liberty's Debt to Law Enforcement. Minnesota Sheriff's Convention. Mankato, December 12, 1963 152
3. Remarks to Hennepin County Bar Association. Minneapolis, October 8, 1963 158
4. The Insurance Industry - A Lawyer's View. Minneapolis, November 20, 1963 161
5. Kennedy Memorial. Mankato State College, November 24, 1963 170
6. Fraternity. Northfield, 1964 172
7. News Media and Fundamental Fairness in the Trial of Criminal Cases. College of St. Thomas, February 21, 1965 179
8. Ethical Aspects of Due Process, February 22, 1965 199
9. Rights of Offenders. Central States Corrections Conference, May 17, 1966 212
10. The Court and the Constitution. 29th Annual Conference National Council of Juvenile Court Judges, June 21, 1966 229
11. Minnesota Courts and Judges Citizens Conference. September 8, 1966 246
12. Speech to the Catholic Daughters of America. Waseca, Minnesota, April 24, 1968 473
13. Golden Deeds Award Banquet. Mankato, Minnesota, March 25, 1969 280

14.	Social Work and the Law. University of Minnesota, October 13, 1969	287
15.	Hennepin County Memorial Services. Courthouse, 1971	314
16.	Private Colleges: Envolving Social Institutions. President's Council, November 8, 1974	330
17.	Arbitration in Minnesota. American Arbitration Association, Minneapolis, Minnesota, May 12, 1976	344
18.	Dedication of Nobles County Courts Building. Worthington, Minnesota, May 20, 1977	362
19.	Dedication of the Minnesota Valley Regional Library. Mankato, Minnesota, May 12, 1977	368
20.	The Changing Legal Profession. University of Minnesota, June 10, 1977	371
21.	State and Federal Relations: Allocation of Jurisdiction as Between State and Federal Courts. Brainerd, Minnesota, August 19-21, 1980	379
22.	Freedom of Education. Mankato, Minnesota, Fall, 1980	405
23.	Bar Admissions and the Role of the Courts. New York City, New York, November 14, 1981	419

CHAPTER 13

Oral Interviews

1.	Public Affairs Forum - March 9, 1977	427
2.	Minnesota Historical Society - April 28, 1978	438
3.	Minnesota Issues - April 19, 1981	485
4.	Dick Pomerantz Show - August 17, 1981	489
5.	Interview for Quare - September 15, 1981	508
6.	Minnesota Issues - December 20, 1981	540
7.	State Law Library - January 17, 1982	555