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 Advertisment 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 Stradtmann-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 Advertisment 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 8 National Center for State Court Reports 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 Affecting 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 Condition 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