

L. Fallon Kelly dies at 84; former associate justice of State Supreme Court

Published June 20, 1992

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L. Fallon Kelly, 84, a former associate justice of the Minnesota Supreme Court whose career was marked by love of the law and meticulous attention to detail, died of liver cancer Friday at Abbott Northwestern Hospital in Minneapolis.

In 1980, Kelly wrote a decision that sexual harassment on the job is discriminatory and therefore illegal. It said not only that employers are liable for ensuring that female workers are safe from harassment by supervisors, but also that they are responsible for protecting women from the same kind of harassment by co-workers.

It was the first case of its kind in the country.

"I found him to be one of the most level-headed, honorable men I've served with on the court," said Justice Lawrence Yetka. "He was never dogmatic. He would listen. He had an open mind. I don't think you can pay a higher compliment to a judge than to say he was open-minded."

Kelly also was U.S. attorney for Minnesota during President Dwight Eisenhower's administration and presided over prosecutions involving gangsters.

He was the federal prosecutor in several highly publicized cases, including that of Isadore (Kid Cann) Blumenfeld, in what

was known as "The White Slavery Trial"; Rocky Lupino and John Azzone for unlawful flight following the kidnapping and murder of Tony DeVito, and a robbery involving St. Paul's Hillcrest State Bank.

Kelly, of Edina, was born in Crookston, Minn. He graduated from St. Thomas Military Academy in St. Paul and the University of Minnesota Law School.

His first job in private practice was with Kyle & Kyle in St. Paul, where he was paid \$25 a month. Two years later, Harold Stassen recruited him to join Stassen & Ryan in South St. Paul. At the time, Stassen was Dakota County attorney.

"He had a great Irish sense of humor," Stassen said yesterday. "I've always remembered one of his favorite remarks if we had some problem in some case: 'I think we ought to go out and consult a good lawyer someplace.'"

Kelly was city attorney of South St. Paul for two years and later formed a law firm with future Gov. Harold LeVander.

He was appointed U.S. attorney in 1958, succeeding George MacKinnon, who resigned to run for governor. In 1960 the U.S. attorney general commended Kelly for his achievements, including a one-third reduction in the civil case backlog.

He resigned in 1961, and founded a law practice with Hyam Segell (later a Ramsey County district judge) and William Fallon.

LeVander appointed him to the state Supreme Court in 1970. He was elected to a six-year term in 1972, and in 1978, Gov. Rudy Perpich granted his request to remain on the bench for two more years so he could qualify for a 10-year pension. The mandatory retirement age for judges was 70 at the time; Kelly was 72 when he resigned in 1980.

"I think the unique quality that Kelly brought to our court was that he combined business experience with a really high level of legal competence," said a former chief justice, Robert Sheran.

Kelly later worked in Hennepin County District Court and helped reduce the backlog in contested wills and other civil cases.

"He liked the complicated, intricate cases," said Melvin J. Peterson Jr., former chief probate judge.

During World War II, Kelly served as a Navy lieutenant, spending most of his 27 months on a patrol bomber in the Marshall Islands.

He was a trustee of St. John Vianney Church in South St. Paul and past commander of the Abner Rude American Legion post. He was a duck hunter, fisherman and golfer, and raised hunting dogs. He won the state doubles badminton championship in the late 1940s.

Kelly is survived by his wife, Mary; a son, John, of Bartlett, Ill.; daughters Katherine (Kitty) Gamble, of Edina; Anne Rutchland, of Los Angeles, and Molly Browe, of Lincolnshire, Ill.; sisters Maureen Olson and Margaret Kelly, both of Cathedral City, Calif., and Dorothy Landry, of Brea, Calif.; 18 grandchildren, and four great-grandchildren.

Services will be held at 1:30 p.m. Monday at St. Louis Church, 506 Cedar St., St. Paul. Visitation will be held from 4 to 6 p.m. Sunday at the O'Halloran & Murphy Funeral Chapel, 575 S. Snelling Av., St. Paul. Memorials to the Cystic Fibrosis Society or Our Lady of Good Counsel Cancer Home are suggested.