

## Peter Popovich dies at 75. He was retired chief judge of state's highest courts

Published March 30, 1996

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Peter S. Popovich, 75, the only Minnesota jurist to serve as chief judge of the state Supreme Court and the Court of Appeals, and the man who popularized the statement, "Justice delayed is justice denied," died late Friday.

Popovich died shortly before 11 p.m. at Midway Hospital in St. Paul. He was hospitalized March 21 with internal bleeding.

"He was a great, great public servant," said Don Wozniak, retired chief judge of the Court of Appeals.

Popovich lived in St. Mary's Point on the St. Croix River.

He retired from the state Supreme Court in November 1990 when he reached the mandatory retirement age of 70. He was appointed to the high court in November 1987 by Gov. Rudy Perpich and was named its 17th chief justice on Feb. 1, 1989.

"I enjoyed the job more than I can say," Popovich said when he stepped down.

At the time of his death, he practiced law at Briggs and Morgan in St. Paul.

R. Scott Davies, president of the law firm, said Popovich never lost his knack. He was always quick to help with

questions about strategy and other matters and was "universally liked and respected," he said.

"He was a known mentor and teacher to all of us, particularly the younger lawyers," he said. "We were fortunate to have his friendship and guidance for the time he was with us."

Former Minnesota Supreme Court Justice Douglas Amdahl, who Popovich succeeded as chief justice, said Popovich was an unusually energetic and intelligent man who was always ready to dive into his work.

"He was someone I could lean on," Amdahl said Friday. "I respected him enormously."

Proud of his roots

Popovich, the son of immigrants, was proud of his Yugoslavian heritage and his roots on the Iron Range.

He was born in Crosby, Minn., and grew up and graduated from high school in Chisholm, Minn. His parents stressed the value of education and it was in the ninth-grade that he decided to become a lawyer.

He also learned to cook and clean after his mother, a teacher, died when he was 13 years old.

Popovich worked odd jobs - including one as a dancing instructor and another

selling candy bars out of the trunk of his car - to put himself through Hibbing Junior College, the University of Minnesota and the St. Paul College of Law, the predecessor to the William Mitchell College of Law.

After earning a law degree in 1947, he co-founded the Peterson and Popovich law firm in St. Paul and practiced there for 36 years.

#### Battle with polio

And he had to battle adversity just to have a career: Shortly after he graduated from law school, he contracted polio and was hospitalized for three months. For the rest of his life, he expressed his gratitude to the March of Dimes for its financial help; he spoke about the organization to many audiences.

Elected to the state House of Representatives in 1952, Popovich served from 1953 to 1963. He was named Outstanding Freshman Legislator during his first year in public offices and was named Most Effective House Member in 1959 and 1961.

One of his legacies as a legislator is Minnesota's Open Meeting Law. He remained an effective and aggressive advocate for openness in government and free speech issues and, in 1991, was awarded the John R. Finnegan Freedom of Information Award for his commitment to journalistic freedom.

But Popovich will be remembered best for making the Minnesota Court of Appeals a model of efficiency.

His friend and fellow Iron Ranger and DFLer, Gov. Rudy Perpich, appointed

him to head the newly created appeals court in 1983. He was a demanding taskmaster with a vigorous work ethic.

Popovich was a hard worker, Amdahl said. At one point, it was estimated that the appellate court's 12 justices were turning out a decision every 74 minutes. The appeals court now has 16 judges handling a caseload of more than 2,500 cases annually.

#### 'Set the culture'

Amdahl said, "Peter set the culture for the Court of Appeals and he's the reason it's the top Court of Appeals in the nation."

He set deadlines - which were met - for issuing decisions and believed that trial delays were inexcusable.

"Justice delayed is justice denied" was one of his favorite statements and one in which he firmly believed.

The Foundation for the Improvement of Justice honored him with a national award in 1988.

The Wall Street Journal has hailed the court as a model of efficiency and the only intermediate Court of Appeals in the nation with no backlog.

Just as Popovich believed meetings should be open to the public, he also believed the courts should be accessible; he gave many speeches throughout the state to educate people about the legal system.

Perpich appointed Popovich to the state Supreme Court in 1987. He was the first

jurist from the Iron Range to serve on the high court.

As a Supreme Court justice, he was considered a moderate and an independent thinker.

He was instrumental in establishing the Minnesota Judicial Center which houses the Supreme Court, the Court of Appeals, the Workers Compensation Court of Appeals, the Minnesota Tax Court and the state court administrative offices as well as boards that deal with the administration of justice.

He created the Court Information Office which assists the media and public in understanding how the court system works.

He also headed a state task force that created uniform rules for the state's 10 judicial districts.

Popovich and his first wife had four children. They were divorced after 18 years of marriage.

He is survived by his wife, Gail, whom he married in 1985; daughters Vicki, Dorothy and Suzanne; a son, Stephen, and stepchildren Michelle Javorina, Paul Javorina, and Stephen Javorina. No information was available Friday night on other survivors.

Services will be held at St. Francis of Assisi Catholic Church, 16770 S. 13th St., Lakeland, with time and date to be announced. Arrangements are by the Simonett Funeral Home in Stillwater.

- Staff writers Pat Pheifer and Amy Woods contributed to this report.