

# FINAL MLHP REPORT

(2022)

This Report describes the current status of the study of the legal history of this state as well as two “innovations” of the Minnesota Legal History Project website. It is the last Report for the MLHP.

## Building a Base of Biographies

I have endeavored to build a base of biographical portraits, profiles and sketches. To that end, I posted biographical entries of judges and lawyers in county histories published in the two decades before the First World War, and in chapters in histories of St. Paul and Minneapolis. There are hundreds of bar memorials by county and district bar association. Further I composed dozens of biographies of lawyers and judges many of which incorporated self-written profiles in books printed by subscription.<sup>1</sup> This is why there are so many biographical portraits of lawyers and judges on the Minnesota Legal History Project.

I laying this foundation when *Legal Life Writing: Marginalized Subjects and Sources* edited by Professors Linda Mulcahy and David Sugarman was published in 2015. It is the most persuasive argument for “legal life writing,” a term used by British scholars, that I am aware of:

Legal life writing has the potential to enhance many of the primary types of inquiry undertaken by legal historians and socio-legal scholars, including legal pluralism, rights consciousness, racial identity, citizenship, and the state. Moreover, its intellectual promiscuity—its interest in almost everything—enables life writing to trans-

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<sup>1</sup> The first sketches were Patrick Cudmore’s “Territorial Bar” (2008) and one on Judge Charles Dunn (2008). Today there are roughly two thousand sketches, primarily bar memorials.

end these concerns and speak to a broader version of 'law' and 'society' than is often used in legal and socio-legal studies, thereby enriching both the 'socio' and the 'legal' in socio-legal studies.

Legal life writing enables us to reveal lives that we would never know if we refused to look beyond conventional notions of legal history, biography, and socio-legal studies. It can also provide a vital means of exploring the ways in which certain kinds of law and legal discourses and practices functioned for the English people as a form of covert political thought. It both grants us a privileged position from which we are able to look back at ourselves, and reminds us of the value of historical thinking as a means to comprehend law, politics, and culture, thereby providing a valuable supplement to the study of law.<sup>2</sup>

The profiles posted on this website are short, less detailed compared to “legal lives” of lawyers, judges and theorists cited in this volume. Nevertheless: Not least was the satisfaction I derived from researching and publishing a portrait of a long-forgotten lawyer or judge.

### The Liberating Potential of the Appendix.

A second “innovation” is the Appendix. The Appendix, at least for state legal histories, is undervalued. In it the author can post a law, newspaper articles and editorials, a campaign advertisement, an obituary and a state supreme court decision cited and discussed in the article. It has “liberating” potential to break out of the suffocating confines of law reviews. An Appendix is verboten in legal reviews but is highly prized for online state legal histories such as the Minnesota Legal History Project.

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<sup>2</sup> Linda Mulcahy & David Sugarman, eds., *Legal Life Writing: Marginalized Subjects and Sources* 32-33 (Wiley Blackwell Pub. Co., 2015) (citing sources).

## The Status of the Minnesota Legal History Website.

Today the MLHP Website draws over 28,000 visitors a month, who view over 66,000 pages a month. These figures will drop precipitously in the new year. One measure of a “successful” day is when viewers download 2,000 pages. Occasionally this marker has been exceeded.<sup>3</sup>

### The Current State of Minnesota Legal History.

A comparison to the California Supreme Court Historical Society, which posts issues of *California Legal History*, seems pertinent. It’s a traditional law review except that it is posted on the internet. What separates articles in this journal—and it is a very deep separation from articles posted on Minnesota Legal History Project—is that most of those articles are written by academics, including legal historians. At present, to my knowledge, there are no scholars in the Academy who research and publish articles about the Minnesota’s legal history.<sup>4</sup>

There is no other word to describe the status of research into the state’s legal history: bleak.

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<sup>3</sup> Some days is open to speculation—what were these visitors reading?

July 21, 2022: 5,856  
July 22, 2022: 6,280  
July 26, 2022: 9,281  
Sept. 4, 2022: 6,962  
Oct. 28, 2022: 4,818  
Oct. 29, 2022: 8,624  
Nov, 12, 2022: 5,314

Then there is the puzzling burst of “visitors” numbering 2,294 on August 18, 2022, who viewed “Shame of Minneapolis.”

<sup>4</sup> Mitchell-Hamline Law School does not have a legal historian on its faculty.

We have no legal historian like the historian Joseph A. Ranney, who wrote *Turning Nothing to Providence: Wisconsin’s Legal System* (1999), and *Wisconsin and the Shaping of American Law* (2017), a book I particularly admire.

One of my ambitions was to encourage the establishment of a program on Minnesota legal history at a local college or law school, led by a director who has knowledge of legal history and who can teach the fundamentals of historical research. That objective has evaporated.

Regardless, researching and writing about the legal history of our state has given me one of the world's great retirements.

*Fini*

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