

R A M S E Y   C O U N T Y      B A R   A S S O C I A T I O N

# Memorials

Friday, April 25, 2008

William Mitchell College of Law  
875 Summit Avenue, St. Paul, Minnesota

Two o'clock

***"And in the end, it's not the years in your life that  
count. It's the life in your years."***

*-Abraham Lincoln*

**IN MEMORY OF**

Burton D. Anderson

James R. Bell

Russell C. Brown

Pierce Butler, III

Hon. Donald P. Lay

Robert McClure

Ronald C. Mickelberg

Louise Miller O'Neill

Carl Norberg, Jr.

Douglas W. Thomson

S. Mark Vaught

**William B. Danforth**

The traditional greeting by the Chief Judge, the names of other judges present, the recognition of the President of the Ramsey County Bar Association and the introduction of the Chair of the Memorial Committee were omitted from the pamphlet of the memorial proceedings for 2008.

## **Burton D. Anderson**

October 16, 1942 – August 15, 2007

Burton D. Anderson was born on October 16, 1942. He grew up in Minneapolis and attended the University of Minnesota, where he obtained a bachelors and masters of arts in political science and history. He completed law school at the University of Minnesota in 1973.

Following graduation from law school, Burt began a 34-year career as a trial attorney. After nearly twenty years working as staff attorney for several different insurance companies in the twin cities, Burt joined the St. Paul firm eventually known as Votel, Anderson, McEachron and Godfrey, in-house counsel for Farmers Insurance Group. He practiced at the firm until his death in August of last year. He was a member of the Amdahl Inn of Court for several years.

In court, Burt was a tough, honest and professional opponent who treated others with civility and respect. At times, he expressed an unexpected wit and sense of humor. With those new to the practice of law, Burt was generous with his offers of advice and words of encouragement.

Burt was a voracious reader who was passionate about English literature and language in general. He read and reread Shakespeare and Wodehouse. He was a wordsmith who took particular pleasure in deconstructing and discussing words. A former colleague remembered Burt coming into his office to ask questions like "If 'disgruntled' means 'unsatisfied', do you suppose 'gruntled' is a real word, and means the opposite?" As it turns out, it is, and it does.

Burt loved to travel. He was fluent in French and conversant in Spanish and German. He traveled extensively in this country and throughout Europe and lived in France for nearly three years. His interest in French culture and history continued throughout his life. He also developed a love of fine wine, architecture and gardening.

Upon hearing of Burt's passing, a friend said "in many respects, I've always felt Burt was born 100 or so years too late. His manners and mannerisms were far better suited to an age long-since passed."

Burt's greatest love was for his daughter, Michelle Waste. Burt's eyes sparkled whenever conversation turned to Michelle. He took enormous pride in her scholastic and athletic accomplishments, and in the young woman she had become. The greatest source of joy in Burt's life was his relationship with his adored daughter.

Respectfully Submitted,  
Daniel O'Leary

## **James R. Bell**

November 15, 1925 – January 1, 2008

James Russell Bell was born November 15, 1925 to Albert and Edith Bell in St. Paul, Minnesota.

He was the second of three children, and is survived by his brother, Wallace Bell. His older brother, Albert, died just two weeks after Jim's death. Jim met his wife, Lois Croft, when they were students at Murray High School in St. Paul. After serving his country in the U. S. Navy, they were married 59 years ago when Jim was a student at the St. Paul College of Law. Jim and Lois had three children: Thomas born in 1949, JoAnn born in 1951 and Kathleen born in 1955. Thomas preceded his father in death in September of 2004.

Following graduation from law school in 1952, Jim formed the law firm of Douglass, Sheets and Bell which later became Douglass, Bell and Donlin, and eventually became Douglass, Bell, Donlin, Schultz and Peterson. That law firm was the second largest in the state of Minnesota at one time. Throughout the years Jim was associated with many well-known and respected lawyers including Jim Galman, Jim Gowling, Tom Lyons, Bill Crandall, Joe Rivard and Duane Harves, to name just a few. In more recent years, Jim practiced with Bell, Arcand, Florin and Tenant, and finished his legal career with Stringer & Rohleder. Jim did defense work for Allstate Insurance Company for many years, but he also very successfully represented many Plaintiffs in personal injury matters. Back in 1980 he secured for a client one of the largest Plaintiff's medical malpractice settlements in the State up to that date. He finally retired from his law practice in his mid 70's only because his symptoms from Parkinson's Disease made it impossible to continue.

Besides enjoying a long career practicing law, Jim loved to golf. Throughout the years he had memberships at Midland Hills Country Club, North Oaks Golf Club, and Hillcrest Golf Club. In his twenties, Jim was a scratch golfer, and for most of his adult life he carried a 4 to 7 stroke handicap. Jim enjoyed many sports throughout his life. He played football, softball, racquetball, and table tennis. He also enjoyed traveling, whether to his properties in Arizona and Florida, or traveling throughout Europe, as he did several times with Lois and their daughter, JoAnn and her husband, Randy.

Jim was also involved in his community and his church. He was one of two original trustees at St. Odelia's Church in Roseville, and he was involved in the St. Paul Winter Carnival and the Roseville Jaycees for many years. Jim and his wife lived in Roseville while their family grew up and they moved to North Oaks about 30 years ago.

Jim was a tough and capable trial lawyer from the old school who taught many

... **JAMES BELL** cont'd

of us a great deal about practicing law. A few years ago, when Jim was well into his 60s, he represented a defendant in a difficult 6 week-long jury trial in Washington County and obtained an excellent result for his client, who had driven through a stop sign on Keats Avenue right out onto Highway 36 resulting in a horrible collision. Judge Kenneth Maas, the presiding judge, later said that Jim's closing argument in that case was the best closing argument he had ever seen. Gene Buckley, who represented Washington County as a co-defendant, against which the jury assessed most of the liability, took it upon himself to have a plaque made declaring Jim Bell "The Trial Lawyer of the Year." We will remember Jim not only for his skill at practicing law and his passion for golf, but also for his quick wit, dry sense of humor and his devotion to his family.

Respectfully submitted,

JoAnn Hayne, Patrick E. Florin, Jon J. Arcand, and Robert H. Tennant

## **Russell C. Brown**

May 11, 1942 - August 15, 2007

With his signature bow tie, Russell C. Brown was a well recognized figure in the State and Federal Courts of Ramsey County. Russ was a 1968 graduate of the University of Minnesota Law School, and a proud alum of his beloved Carlton College, where he served on the Board of Trustees for many years. Despite his impeccable business attire, Russ was also an enthusiastic athlete and sportsman who was known to shed his pinstripes in favor of camouflage gear to spend many predawn hours in dank duck blinds before arriving early at the office to begin the day's work.

Following his graduation from law school, Russ worked in the Civil Division of the Minnesota Attorney General's Office, where he met his friend and future law partner, Jim Stolpestad. Russ began what became a long term impact on the Twin Cities legal community when he joined with Jim Stolpestad in the Fall of 1971 to form the fledgling Stolpestad & Brown, which became known as Stolpestad, Brown & Smith when Steve Smith came on board in the Fall of 1973. Beginning with only two lawyers and influenced by Russ's emphasis on academic excellence and eye for legal talent, by 1985 Stolpestad, Brown & Smith had grown to 24 lawyers and was recognized as one of the more innovative and talented new firms in the Twin Cities. It was frequently called the "smallest big firm" in town.

Russ was a scrupulously prepared and tenacious litigator who regularly represented developers and contractors in a wide range of different types of construction and contract disputes. Russ conveyed his commitment to excellence and attention to detail to the young partners and associates with whom he worked. While he was sometimes a demanding coach and mentor, all of the lawyers who had the privilege to work with him also reaped the benefits of Russ's disciplined example and rigorous training.

In 1985, Stolpestad, Brown & Smith merged with Doherty, Rumble & Butler, where Russ remained an integral part of the Litigation Department and represented major corporations and large cooperatives in complex matters throughout the country. Sadly, in the Summer of 1987 Russ was diagnosed with a brain tumor and suffered an unfortunate series of related complications which forced him to leave the practice of law and ultimately took his life. Nonetheless, through his own professional life and formation of Stolpestad, Brown & Smith, Russ contributed to the development and advancement of many young attorneys, and his legal legacy continues through the many lawyers whom Russ trained and influenced and who are now partners in most of the major firms in the Twin Cities.

...**RUSSELL BROWN** cont'd

Russ died on August 15, 2007 and is survived by his wife Challoner, sons, Andrew, Courtney, and Samuel, and mother of children Julie, brother Senn, and sister Ellen.

Respectfully submitted,  
Edward Fox

## **Pierce Butler, III**

May 24, 1918 - March 3, 2007

“Stop all the clocks, cut off the telephone,  
Prevent the dog from barking with a juicy bone,  
Silence the pianos and with muffled drum  
Bring out the coffin, let the mourners come.

Let aeroplanes circle moaning overhead  
Scribbling on the sky the message He Is Dead,  
Put crepe bows round the white necks of the public doves,  
Let the traffic policemen wear black cotton gloves.”

— W.H. Auden

Pierce Butler, the third, died March 3<sup>rd</sup>, 2007 at Presbyterian Homes of North Oaks. He was 88.

Pierce was the grandson of a U.S. Supreme Court Justice, son of a founder of the United World Federalists, and all three generations were in the law office of Doherty, Rumble & Butler in St. Paul.

Pierce Butler III continued the family interest in the law, civil justice, education and the arts.

He was born in the Panama Canal Zone where his father was serving as a cavalry officer in the U.S. Army during WWI. He grew up in St. Paul, graduated from St. Paul Academy, Harvard College, and attended Georgetown, Harvard and University of Minnesota Law Schools. His law school education was interrupted by enlisting in the Army two weeks after the attack on Pearl Harbor.

Pierce was trained at Forts Leonard Wood and Belvoir, was commissioned a 2nd Lieutenant in the Corp of Engineers, and served in the New Guinea campaign.

Sick with malaria, he taught himself the Malay language and read the complete works of Thackeray from his hammock. He served as an intelligence officer in Japan under General Douglas MacArthur's intelligence chief, General Elliott Thorpe.

While practicing with Doherty, Rumble & Butler, he specialized in corporate, mining and timber law. His interests were in politics, social justice, literature



... **PIERCE BUTLER III** cont'd

and the arts.

He participated in founding the Minnesota International Center at the University of Minnesota, and was active in the Minnesota Historical Society, the Hill Reference Library, the Minnesota Science Museum, the Walker Art Center, the Guthrie Theater (a founder and chairman of the search committee that recruited Michael Langham as Artistic Director) and many smaller artistic, environmental and literary organizations, including the Playwrights Center.

Pierce was Minnesota consul for the Netherlands for twenty years.

His presence in a room was immediately known because of his booming baritone voice.

Termed by his daughter, Tara Butler, "a professional eccentric," he quoted Shakespeare, the Bible, Italian poets, Bobby Burns, French and English writers, and all of the major Irish writers and thinkers. He had extensive knowledge and an active interest in art.

He was intellectually omnivorous and wrote poetry, prose, and multilingual humor. He often referred to Sheppard's Atlas, and pontificated on a wide variety of subjects ranging from the Ming Dynasty to the "History of Iceberg Lettuce."

He never stopped learning from reading and from talking with anyone nearby. He grew up in a family where friends and visitors ranged from Scott Fitzgerald, T.S. Elliott, Sinclair Lewis and all major Irish writers.

Pierce is survived by his wife, Joyce Mork Butler; daughter, Tara Butler; step-daughters, April (Charlie) Murphy, Natalia (Patrick) Armitage and Heather (Scott) Simonett; step-grandchildren (Patrick, Caitlin, Miles, Cole, Brooks, Hadley, Allie and Natalia) and a step-great-grandson.

Pierce was buried from the Basilica of St. Mary in Minneapolis.

Respectfully submitted,  
William J. Cosgriff, Gregory A. Kvam and Richard A. Wilhoit

## **The Honorable Donald P. Lay**

August 24, 1926 - April 29, 2007

The Honorable Donald P. Lay passed away in North Oaks on April 29, 2007, after 80 years of a full and accomplished life. He is survived by his wonderful wife of 57 years, Miriam Gustafson Lay, their five beautiful daughters—Catherine, Cindy, Betsy, Debbie, and Susan—and their ten beloved grandchildren.

Judge Lay's career in the law spanned more than 55 years, and included more than 40 years of service as a federal judge. His life was characterized by his outgoing personality, his countless friendships, and his deep and passionate commitment to the protection of individual civil rights and liberties.

Judge Lay was born in Princeton, Illinois, on August 24, 1926. His family later moved to Iowa City, Iowa. Following service in the U.S. Navy, he enrolled at the University of Iowa where he was a great debater and a member of the track team. Judge Lay received his bachelor's degree in 1949 and his law degree in 1951. While in law school, he served as Articles Editor of the *Iowa Law Review*, and established himself among his classmates and the faculty as the young lawyer to watch in the future.

He went into private practice in Omaha, Nebraska, where he soon became one of the finest trial attorneys in the Midwest, trying hundreds of cases to verdict. He was dogged, tenacious, persistent, and, above all else, extremely competitive. He was a gifted advocate and a natural born trial lawyer.

President Lyndon B. Johnson nominated him to the United States Court of Appeals for the Eighth Circuit in 1966, the second youngest to have received such an appointment up to that time. He quickly earned a national reputation as one of the nation's leading federal jurists.

Judge Lay's prolific contributions as a judge and a scholar are truly staggering. He wrote well over 2,000 majority opinions, plus more than 400 separate concurrences and dissents. Judge Lay also published scores of scholarly articles and essays on a variety of topics in leading law journals throughout the country. His writings were thoughtful, thorough, heavily annotated, provocative, and inspiring.

He became chief judge of the Eighth Circuit in 1980, serving with distinction in that capacity until he took senior status in 1992. Signaling his bold and innovative leadership as chief judge, he moved his chambers from Omaha to St. Paul—a move that revitalized and strengthened the Eighth Circuit's presence in the northern states.

...HON. DONALD LAY cont'd

As chief judge of the Eighth Circuit, he relentlessly searched for ways to improve the judicial system and the quality of the federal courts. He was also a well respected voice in the United States Judicial Conference where he voiced his passionate commitment to civil liberties and staunch support of "The Great Writ"—the right of those in custody to petition for the protection provided by the writ of habeus corpus.

Judge Lay worked extremely hard throughout his entire career, and this remained true even after he took senior status. As a senior circuit judge, he sat with all but one of the federal circuit courts. He also taught at the University of Minnesota Law School and William Mitchell College of Law, imparting to a generation of lawyers his passionate commitment to the rule of law and deep respect for all people.

Close, longtime friends like the Honorable Leonard J. Keyes fondly recall how Judge Lay approached life outside the law with characteristic vigor and enthusiasm. He had many friends here in Minnesota and throughout the country with whom he socialized and traveled, and, of course, they also played a lot of golf together. Judge Lay's greatest passion outside of the law was golf. He treasured the time he spent with good friends on his home course, the North Oaks Country Club, as well as the countless other courses he played all over the country. He loved the competition and the fellowship.

Judge Lay was a wonderful man who was devoted to his family and friends. He was a tenacious trial lawyer, who became a prolific and thoughtful judge, always working with great energy and zeal. He cared deeply about people, and he served the Eighth Circuit and the citizens of our nation with the utmost distinction.

Respectfully submitted by  
Thomas H. Boyd and Teresa Fariss McClain

## **Robert McClure**

March 3, 1915 - February 2, 2007

"Boots" McClure, as he was affectionately known to the law school community, died of pneumonia on February 2, 2007 at age 91, after a long struggle with Parkinson's. Professor McClure retired from the University of Minnesota Law School in 1985, after thirty-nine years as a member of the faculty.

Professor McClure graduated from the University of Minnesota Law School in 1939. Following graduation, he practiced for three years at Doherty, Rumble, Butler, Sullivan, and Mitchell. Salaries for new associates were insufficient to support a family, so Bob joined the FBI in 1943. He married Margaret, his true love, while still in training. His FBI assignments included tracking a German naval captain supposedly doing reconnaissance in New York City; Bob came to doubt the existence of his prey.

Bob later enlisted in the Marines who discovered his law degree and assigned him to a desk job, where he served until he was given an early release to accept Dean Everett Fraser's offer to join the Law School faculty. He began teaching in 1946, as the Law School's enrollment swelled with returning veterans.

Bob taught Creditor's Remedies and Secured Transactions to four decades of student. His interest in educational theory and innovation led him to develop a programmed learning approach, where the written materials permitted students to work at their own pace, which proved to be a highly effectively teaching tool. He also taught courses and seminars on Legislation and Obscenity.

Bob also took a personal interest in his students. He hosted popular pancake breakfasts at his families' home for his students, which he enjoyed very much. He regularly donated the breakfasts to the Law Council for fundraising, and was delighted when his breakfasts brought high bids.

Bob and Margaret raised four children, born over fifteen years. With that large age range, family excursions were often outdoors, where the family enjoyed camping and canoeing, or attending museums, theater and concerts. Bob shared his passion for art and photography with his family, and pursued his passion for photography after retirement. Bob took summer teaching jobs at other law schools, so his family could experience living in other communities; the rented houses on the dunes in Lake Michigan in Chicago and in Carmel, California were highlights. Margaret loved travel as well; their last big family trip on the American Queen after Bob had already been diagnosed with Parkinson's at age 86 was a great success.

Bob was a passionate opponent of censorship and defender of freedom of expression. Justice William O. Douglas studied his writings, and referred to him

...ROBERT MCCLURE cont'd

and Dean William Lockhart in his dissent in Roth v. United States as "two of our outstanding authorities on obscenity". The Lockhart-McClure writings were cited in eleven U. S. Supreme Court opinions. He was a founding member of the Minnesota Civil Liberties Union in 1952, with his friend Earl. R. Larson, and served as its first treasurer.

Among Bob's many students were Donald Fraser, Alan Page, Wendell Anderson and Walter Mondale, who told the Minneapolis Star-Tribune: "He was not only a terrific scholar but a nice person as well. He was one of the most respected and beloved. I think I can speak for my classmates: We all loved the guy."

Professor McClure was survived by Margaret, daughters Joan Van Norman and Mary Grewe, and sons Paul and Donald, as well as six grandchildren.

Respectfully Submitted,  
Judith L. Oakes

## **Ronald C. Mickelberg**

August 2, 1944 March 26, 2006

Ron Mickelberg was a big man with a great intellect. He was an accomplished, well respected and highly skilled attorney, a great outdoorsman, and a devoted family man. He was a person of great discipline, uncompromising ethics, and extraordinarily high standards for quality. He was also a man of personal integrity, optimism, generosity, and great kindness.

Ron grew up in Detroit Lakes, Minnesota, where he developed his love of the outdoors at an early age. An accomplished scholar athlete, he attended Augustana College where he played football and was elected a member of the Blue Key National Honor Fraternity. He graduated from Augustana cum laude in 1966.

Continuing his fine academic accomplishments, Ron enrolled in the University of Minnesota Law School from which he graduated first in his class in 1969. He was Order of Coif and served as primary editor of the Minnesota Law Review.

Ron entered private practice with the law firm of Oppenheimer, Wolff & Donnelly in St. Paul. Ron also practiced for a time in Oppenheimer's office in Brussels, Belgium. He specialized in extremely complex and sophisticated corporate finance transactions. Ron was a meticulous lawyer and draftsman. After just a few years in private practice, he had become recognized and well respected for his extraordinary brilliance in handling these types of matters. He was one of the youngest partners ever elected to Oppenheimer's management committee. As an attorney, he was honorable, lawyerlike, and above all a perfectionist.

Ron left private practice to join Control Data Corporation as Vice President of Corporate Development for its finance subsidiary, Commercial Credit Company. Shortly thereafter he became Vice President and Corporate Controller of the parent company.

Ron retired at a relatively young age and pursued many of his passions during the remainder of his life. First and foremost, he spent time with his adoring and adored daughter, Jenna Murphy, and his beloved granddaughter, Alexis Louise Murphy. He took particular joy in watching Jenna experience many "firsts" of her young life, and grow and start her own family.

Ron enjoyed gathering with family and friends enjoying fine food and wine. He also had many fond memories from his numerous Canadian fly in fishing trips with long time friends and colleagues. Ron's friends continue to treasure their memories of the times they spent with him on these trips catching (and not catching) walleye, eating a shore lunch of walleye pan fried in cholesterol, washed down with Russian vodka whose flammability label advised against

. . .RONALD MICKELBERG cont'd .

drinking it too near an open flame, laughing and shooting the breeze.

Regrettably, Ron's life was cut short by illness. However, his loving presence in life continues to be of enduring comfort to his family and friends.

In addition to his daughter and granddaughter, Ron is survived by his brother, Larry Mickelberg, also an attorney, who is a former assistant public defender in Minnesota's Seventh District; his nieces and nephews Melissa McMunigal, David Mickelberg, Ann Roberts, Nathan Mickelberg, and Sarah Mickelberg; and grand nieces and nephews Maxwell, Dunnavin, Frances, Margaret Ann, Peter, Zoë, and Ben. He also is survived and remembered dearly by his beloved friends, Trish Lawson and Mike Brenner.

Respectfully submitted,  
Daniel R. Pennie, Charles M. Levenberg, William P. Studer, and Richard G. Lareau

## **Louise Miller O'Neil**

June 5, 1924 – September 2, 2007

Louise Miller O'Neil was born on June 5, 1924, in St. Paul. She was raised on a 40 acre farm in West St. Paul. Her father was in the real estate business, and her mother was a professional musician. Louise graduated from South St. Paul High School with special interests in athletics, drama, speech, and music. Louise graduated from the University of Minnesota with a Bachelor of Business Administration with a major in finance and a minor in accounting. Louise worked her way through school with various jobs such as loading box cars, working in a shipyard, and as a tax assessor for the City of West St. Paul where she rode a horse to count livestock.

Louise attended law school at the University of Minnesota from 1946 to 1948, but interrupted her studies to live in Washington D.C. during 1949. She returned to Minnesota in 1950 with the idea of completing her law degree, but the Korean War broke out; so she put her law degree on hold once again, and enlisted in the Air Force.

In September 1950 Louise Miller was commissioned a Second Lieutenant in the Finance Division of the Air Force. She was called to active duty in April 1951, but was allowed to return to law school to graduate, which she did in 1951. Afterward she continued on active duty until the Spring of 1952 when she transferred to the Reserves as a First Lieutenant. Although officially assigned to the Finance Division, she defended Air Force personnel in civil and military matters. Despite being well on her way to the rank of captain, she was honorably discharged from the Reserves in 1958 because she had one child, and another on the way.

In 1952 Louise entered private practice as O'Toole and Miller, with the later addition of Thomas Moore. In 1956 she moved her practice to her home at 701 Summit Avenue upon her marriage to Kenneth Eugene O'Neil, now deceased.

Louise was in active practice of the law from her admission to the Minnesota Bar in December 1951 until she retired in June 2007, except, as she was proud to note, for a period of three weeks or less per the birth of each of her three children.

She was a fearless general practitioner appearing in the county courts and District courts, before the Workers' Compensation Commission, the Unemployment Compensation Commission, the Public Service Commission, the State Parole Board, planning boards, as well as the Minnesota Supreme Court and the U. S. District court. She developed a special interest and niche in what would ultimately be called construction law. She even represented people on her vacations in Los Angeles, Chicago and Fort Lauderdale, with the aid of local



. . .LOUISE MILLER O'NEILL cont'd

counsel.

While Louise professed an allegiance to the Democratic Party even in her teenage years, after returning to Minnesota from Air Force duty, Louise worked on the Eisenhower campaign. Ultimately she was elected as state chairwoman of the Young Republicans; to a national committeewoman position; and, as the Midwest Chairwoman of the Young Republicans. In 1956 Louise changed her political persuasion, and became active in the Democratic party working on many electoral campaigns including Karl Rovaag's.

Louise had been a long time and active member of the American Legion, and was a member of the Women's Political Caucus. However, she pointed out that long before that organization was formed; she had been busy fighting for women's rights in general, not to mention her own. On the other hand, Louise was adamant to state that not once had she been discriminated against by a judge for being a woman.

Louise was fond of children, and took in foster children officially through Ramsey County, and often unofficially. She often represented juveniles and young people on a pro bono basis.

Louise was a pioneer, an eccentric, and a damn good lawyer. The courtrooms and halls of the Ramsey County Courthouse will reverberate with her spirit for years to come.

Respectfully submitted:  
Leo F. Feeney and Louis E. Torinus

## **Carl Norberg, Jr.**

March 14, 1939 – May 16, 2007

Carl E. Norberg was born a loyal Finnish son of Michigan's Upper Peninsula on March 14, 1939. He grew up in Bruce Crossing, Michigan. Carl earned a bachelor's degree in English from Northern Michigan University, received a master's degree from Wayne State University, and completed course work for a doctoral degree in American studies at the University of Minnesota before earning his law degree from William Mitchell College of Law.

After a number of years teaching communications at the University of Minnesota and English at the University of Wisconsin-Eau Claire, Carl's interest in politics and community governance got the best of him; he enrolled at William Mitchell College of Law. He loved the study of law and excelled. While attending law school, he served as a legislative aide to the St. Paul City Council, top aide to Jack Christianson, and was a law clerk in the natural resources section of the Minnesota Attorney General's Office.

From the time he first came to Minnesota, Carl threw himself into DFL politics, forming deep relationships with many political activists, but especially with Representatives Fred Norton and Senator Nick Coleman. Carl was a fixture at the state Capitol. After graduation from law school, one of his professors, Senator Jack Davies, asked Carl to become his administrative aide for the state Senate Judiciary Committee. He held that position from 1976 to 1983. Senator Davies has said: "No legislator has been better served". Carl said helping to craft state laws was one of his most rewarding professional experiences.

As a lifelong Democrat he worked on the campaigns of the late Senate Majority Leader Nicholas Coleman, late House Speaker Fred Norton, St. Paul Mayor Chris Coleman, and many other state and local candidates. Carl was known as an astute political thinker, at home in the world of ideas and the world of politics.

Carl once said, upon moving to Minnesota, that "the only thing that interested him less than religion was hockey." He needed neither because politics fulfilled both for him. For Carl, politics was his religion and his sport. As sport, politics excited Carl. He loved following every election, every session, watching the tactics and the plays. Commenting on every move like it was yesterday's big game. Carl once joked that "I was an activist, not a political hack".

As a religion, Carl believed in the redemptive power of politics – of good policy. He believed the religion of caring could save mankind.

Carl entered the private practice of law in 1983. The fine reputation, and the legion of friends he had earned made him an immediate success. He served as a Ramsey County Conciliation Court referee for twenty years, and served as

...CARL NORBERG, JR. cont'd

legal counsel to FinnFest USA, a Finnish-American organization, from 1983 until his death.

One anecdote from his lobbying career deserves to be recorded. Carl once candidly told a client that he thought it would take him ten years to win passage of the client's four complex objectives. It took Carl one legislative session.

Always an efficient lawyer, Carl saved Mickey's Diner from destruction when the Saint Paul Companies proposed to take the site for its new headquarters. All he needed to win the "Mickey's notch" in the St. Paul Companies office building were a few conversations about public relations with some city council members, and the company itself.

Carl Norberg was a big man with large enthusiasms. Literature, theater, and athletics filled his year. Wife Kathy, son Carl, and daughter Kristen brought him joy and pride. The accidental death of son Carl at age 16 was the great burden of Carl's life, only eased with Carl's deep affection for son-in law Neil, and with the birth of Carl's dear grandson, Nick.

A fine lawyer and warm friend, Carl Norberg will be sorely missed.

Respectfully submitted,  
Jack Davies and Chris Coleman

## **Douglas Walser Thomson**

January 5, 1930 - May 2, 2007

In May of 2007 Douglas W. Thomson passed away. His death came within twenty-four hours of his former wife and lifetime friend Mary, the mother of their four children, James, Jennifer, William, and Douglas.

Doug was devoted to the practice of criminal defense law and did it with a flair never again to be equaled. He dressed in three piece pin-striped suits with Egyptian cotton shirts and English shoes. His oratory was formalistic and riveting. Courtrooms filled for thirty years when the word went out that Mr. Thomson was about to give a closing. His recitation of the history of English and American Jurisprudence which always ended with a challenge to his jury to take their place among the courageous jurors of the past in reaching their verdict never failed to impact the entire courtroom. Bits and pieces of Thomsonsque final arguments are injected permanently into many arguments given by most well known criminal defense practitioners in the State of Minnesota. This will probably continue for many decades to come. None will ever do it as well.

Perhaps Doug's greatest legacy is in the lawyers he trained. There are by conservative count, at least twenty former partners and associates that learned at the feet of the master who are actively trying cases for defendants throughout the state today. In their attitudes and methods Doug lives on. He respected the bench but was never crowded by it. He respected prosecutors but always remained at arms length from them. His undying loyalty was to his client and to the process itself.

Those of us who learned from him will forever see him pointing his finger at a witness who he had aggressively pursued propounding what he referred to as a reasonable theory of innocence and stating, "It is true, is it not Mr. Smith that it is you, not my client who took the life of Mr. Jones?" "It is you sir, not my client, who took an innocent life and spun this self-serving tale to an all too receptive and naïve police officer and prosecutor." Doug drove home to every young lawyer he trained that the destruction of the credibility of a witness was of no avail until you infused your theory of the defense through that witness to the jury.

When later inquiry was made of the great master as to how he had fared during his day in trial he was heard to pronounce, "I reduced the Government's wretched snitch to a blithering mass of protoplasm and slid him out under the courtroom door."

Doug's trials were not restricted to Minnesota. In the course of his career he tried extremely high-profile cases in Colorado, Montana, Missouri, Illinois, Iowa, Wisconsin, New York, Nebraska, and a myriad of other jurisdictions. He was known across the length and breadth of America for which he was rewarded

...DOUG THOMSON cont'd.

with induction as a fellow in the prestigious and elite American Board of Criminal Lawyers.

Respectfully submitted,  
Joseph S. Friedberg

## **S. Mark Vaught**

February 3, 1947 - June 29, 2006

Public servant, political fixer, flamboyant litigator, advocate for the oppressed, devoted husband and humanitarian. These are a few of the descriptions properly ascribed to Mark Vaught, who practiced law in Saint Paul from 1981 to 2000.

Mark was born in Norfolk, Nebraska, and quickly showed the intelligence and enthusiasm which sustained him throughout his career. Named a National Merit Scholar in his senior year of high school, he was recruited to attend Macalester College, graduating in 1969. He immediately entered politics, running George Latimer's 1976 campaign for mayor. He worked on Latimer's staff and later as an investigator for the Saint Paul City Attorney's Office. He attended William Mitchell Law School in the evenings and was admitted to practice in 1981.

Practicing as a solo, he shared offices with a number of other local attorneys, acting as a mentor to the younger ones. He used his political connections to develop his business and represented a wide range of clients, including criminal defendants, automobile dealers, collection agencies, pension funds, trusts and local businesses. He also represented a number of local massage parlors and saunas which became the object of a concerted effort by the city of Saint Paul to shut them down using local licensing ordinances. Through his creative and diligent efforts, Mark successfully worked the legal system for the benefit of these clients to extend their time in business well beyond what the city had hoped for. He delighted in his success in frustrating the City Attorney's Office through creative legal maneuvering.

With a highly developed sensitivity to the underdog, he gravitated toward clients who were generally disregarded and oppressed by the legal system. "Defending the undefendable" was his mantra and he kept a book by that title on his desk. He was known for his sense of humor, spot-on quick wit, his command of the English language and a competitive nature. He had great respect for individual rights and the U.S. Constitution.

Mark was also known as something of a political fixer around city hall. If you had a problem with the Licensing Division or the Public Works Department, he could find a way to keep you in business. He made it a point to know everyone in town who mattered, maintaining his connections by buttonholing people at the courthouse, visiting Gullivan's and attending weekly poker games with his cronies.

For 10 years he served on the Saint Paul Planning Commission, much of that time on the contentious zoning committee. He relished the public responsibility and the political stage that it provided for him. Many people who attended the

. . .S. MARK VAUGHT cont'd.

sometimes raucous meetings of the zoning committee recall how Mark's bigger-than-life personality would dominate those sessions.

Mark was active in the DFL Party and worked extensively on George Latimer's campaign for governor in 1986. He had one unsuccessful run for a seat as state representative. Rumor has it that he was caught with a number of his opponent's lawn signs in the back seat of his car. He later framed his campaign poster and kept it on the wall of his office, saying that it reminded him of the cost of vanity.

There was a compassionate and humanitarian side that few knew about until after his death. He loved animals and was a member of the local humane society board. Mark was also a volunteer with Allina Hospice, earning their utmost appreciation for his devoted efforts to the sick and dying.

It goes without saying that Mark was extremely independent. In a move that was totally uncharacteristic, he attended his Macalester College 25<sup>th</sup> Class Reunion in 1994, where he met and later married his wife, Janet Lee. Mark suffered from a number of health problems, including diabetes, congestive heart failure, sleep apnea, and two bouts with cancer. Complications from cancer ultimately led to his death in June 2006.

Mark Vaught was one of Saint Paul's genuine characters, larger than life in both size and personality. But beyond his personal bravado, he will be remembered as a generous and caring person, and one who made an important contribution to the legal profession in the city.

Mark is survived by his wife, Janet Lee, sister June Carstens, and many nieces and nephews.

Respectfully submitted,  
Mike Black, Greg Pennella, Ed Starr, Walter Bowser, Ray Faricy and George Latimer

## **William B. Danforth**

- May 6, 2007

Bill Danforth came to Minnesota and to William Mitchell College of Law in 1959 following a successful twenty-six-year career as an Assistant United States Attorney in Iowa. He quickly settled in as one of William Mitchell's notable teachers, as he taught Civil Procedure to nearly every student who passed through the school in the early years of his tenure. He started his career teaching mostly by lecture, and he never changed that approach.

It became a standing joke among students that one could take Bill's class while standing in the hall, because, as Bill lectured, his clear, penetrating voice could be heard well outside the confines of the classroom in which he was teaching. Furthermore, while he tended to lay on the material with a somewhat heavy trowel, his lectures, reduced to notes on three-by-five cards, which he held in one hand while writing notes on the blackboard with the other, were a model of clarity and accuracy.

He covered the blackboard with notes in his clear, large writing, usually filling the board from end to end across the front of a large classroom. His students all remember his hypothetical problems: "A of Iowa and B of Minnesota have an auto accident in Wisconsin . . ." He read all the current cases, and for some years he wrote a column in the old Bench and Bar, the magazine of the Minnesota State Bar Association, entitled Judicial Law, in which he summarized recent cases.

When he retired from teaching in after a thirty-year career, the halls were quieter, but the entire William Mitchell family felt a void that, for the old-timers, has never really been filled. Bill was a kind and gentle man, and a loyal colleague, and a thoughtful faculty member. Bill died on May 6<sup>th</sup>, 2007 at the age of 97. Although he suffered from some serious physical ailments during his long life, he lived on after the deaths of his daughter and his lovely wife. He is survived by his son, Robert, a retired member of the Tenth District Bench and four grandchildren and five great-grandchildren.

Respectfully submitted,  
Douglas Heidenreich