

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 27, 2012

Hamline University Sundin Music Hall  
1531 Hewitt Avenue, St. Paul, Minnesota

Two o'clock

***"What we have done for ourselves alone  
dies with us; what we have done for others  
and the world remains and is immortal."***

*-Albert Pike*

The traditional opening remarks  
and introduction of dignitaries  
of the Chief Judge of the District Court  
were omitted from the booklet of the  
Memorial Proceedings of the  
Ramsey County Bar Association  
for the year 2012.

**IN MEMORY OF**

William A. Bierman

C. Frank Claybourne

Wayne P. (Tim) Dordell

Susan Marie Elfstrom

Fred W. Fisher

Joseph E. Flynn

Judith R. Gartner

Curtis Paul (C. Paul) Jones

Hon. James Montgomery Lynch

John J. McNeely

Charles E. Mertensotto

Hon. Edward Mulally

John M. Roszak

Hon. John E. Simonett

L. Marshall Smith

Rodney T. Thein

Philip C. Warner

## **William A. Bierman**

July 4, 1923 - April 28, 2011

Born July 4, 1923, in Owatonna, MN. Died April 28, 2011 in St. Paul, MN. After leaving Owatonna, William lived in Mississippi and Louisiana with his parents Bernard and Clare while his father coached football at Mississippi State University and Tulane University.

In 1932 the family returned to Minnesota when Bernard was named as football coach at the University of Minnesota.

William attended St. Paul Academy and graduated in 1942. He entered Yale University as a freshman in the fall of 1942. After freshman year he enlisted in the United States Marine Corps. After training he served in the South Pacific. After being released from service by the Corps at the end of World War II, William returned home. He enrolled in the University of Minnesota Law School, graduating in 1949 (Order of the Coif). William sat for his last second year final exams on August 27, 1948, and was married to his loving wife Janice that same evening.

William first practiced with the St. Paul firm of Faricy, Berger, Moore and Costello. He taught evening classes at St. Paul College of Law during part of his time at the Faricy firm. Later, he joined the firm of Vogel, Lemmons and Lenzmeier. After leaving the Vogel firm, William joined the St. Paul title firm, Title Services, Inc., (TSI) as general counsel. He specialized in real estate law and title insurance. He worked on developments such as Galtier Plaza and Eden Prairie Center with TSI and retired from the firm in 1985. Within a few weeks of retirement from TSI, William opened his own office in Lowertown Saint Paul where he remained in practice until 2004.

In retirement William liked to travel with family and friends. He particularly enjoyed the time he could spend with family at Lake Shamaineau. At the lake, his favorite activities were restoring shoreline and planting seedling trees. He planted thousands over the years.

William was preceded in death by parents, Bernard and Clare Bierman. He is survived by his wife, Janice; children, William (Ginny), Ann Syverson, and Richard (Pamela); grandchildren, Joseph and Samantha Syverson, William (Leilani) Bierman, Margaret and Thomas Bierman, Daniel and Faith Bierman; brother, Jim (Ingrid) Bierman; other relatives and friends.

Respectfully submitted,

Raymond L. Lemmons and William A. Bierman, Jr.

## **C. Frank Claybourne**

July 7, 1916 - July 28, 2011

### **A Lawyer Passes This Way**

This is a celebration of a lawyer, by a lawyer, in front of lawyers. It is appropriate because Frank Claybourne was a lawyer's lawyer. Frank Claybourne, born in Albert Lea, passed away at the age of 95 on July 28, 2011. We started talking five years ago about what should be said at this ceremony. Frank knew that as a former president of both the Minnesota and Ramsey County Bar Associations that someone would say a few words at a memorial. He didn't want anyone to pray over him and he made me promise that I would not. You can read more details of his life and philosophy in the Open Letter about Frank that was published in *Twin Cities Business*, October, 2011, [www.tcbmag.com](http://www.tcbmag.com). Because we are all lawyers and this is a lawyers' event, I want to tell you some of the things that Frank taught all of us.

Treat People Fairly. Frank believed that lawyers in particular had a duty to treat people on the basis of what they had done rather than who they were. Very early, I was doing what a lot of young lawyers at the Ramsey County Bar Association did – hang out at the bar at the old St. Paul Athletic Club. It was late one evening when Frank, at that time counsel to the State Republican Party, got into a heated exchange with a Republican officeholder. The essence of the exchange revolved around the fitness or unfitness of Judge Steven Maxwell, who was African American. Frank had been Judge Maxwell's campaign chair when he ran for Congress in the old 4<sup>th</sup> Congressional District. I remember Frank with a steady gaze pointing out to the offending officeholder, "it's the Republican Party, the party of Lincoln."

The next year, we all attended a Ramsey County Bar Association luncheon which featured an address by Jack Baker, the recently-elected homosexual (we didn't use the word 'gay' in those days) student body president from the University of Minnesota. Baker advanced the outrageous proposition that same-sex marriage was not only desirable but inevitable. I think it's fair to say that most people in the audience were openly incredulous. And I recall walking out of that luncheon with Frank Claybourne who expressed agreement with Baker's view and furthermore stated that he really didn't care what people did in their own bedrooms as long as they didn't scare the horses in the street.

If you truly believe that people are what they are on the basis of what they do and not on who they are and you carry yourself that way, juries and most judges will love you. To Frank, treating people equally and openly was a way of life, but also a pretty good way to operate in our legal system.

Common Sense. Common sense requires that you deal with the important issue up front and in a transparent fashion. We were frequently admonished by Frank that when we were in the woods we should hunt bears and not rabbits. The trappings of an overly-meticulous legal argument were treated by Frank as the unneeded adornments of a monarch. Frequently that king had no clothes and Frank would be quick to point that out. By the same token, expert witnesses were well coached by Frank to talk like ordinary humans and if they did not, we were frequently sent in search of a

.. .C. FRANK CLAYBOURNE cont'd.

new expert. Adornments – personal or legal – were anathema to Frank.

When in Doubt, Litigate. Frank believed that the highest evolution of human society was usually found in the litigation process. He taught us early that peaceful conflict resolution – his phrase – was the high calling of lawyers – and that frequently required litigation. The boundaries of the Town & Country Club which lie behind the neighborhood that Frank and his beloved wife Ingrid (Boppy, to one and all) were settled by a lawsuit that Frank and Tom Swain started which exposed serious flaws in the early platting of St. Paul. When the dispute arose over the fallout that occurred when his old law firm, Doherty Rumble & Butler closed its doors, Frank filed a suit. I can't imagine this was a surprise to any of his former partners.

Help Your Neighbors. Frank believed that you should be involved in your community and that meant you should help your neighbors. When he was 81 years of age, in the middle of the night in a tremendous wind and rain storm, the neighbor wife called him because her electricity had gone out. Frank put his raincoat on and headed across the yard to the aid of his neighbor. What she had forgotten to tell him in the confusion of the moment was that a remodeling job in her house left her stairwell unguarded. In the darkness, Frank fell into the basement, where he was impaled on the top of the water heater, suffering massive injuries to his back, pelvis and internal organs. Doctors told him he would never walk again. He walked out of the nursing home a year later to return home.

Be Involved in Your Political Community. Frank believed that lawyers had a duty to be involved politically, because otherwise the clowns or worse would take over our government. He believed that fair-minded common sense was in short supply politically. For those reasons, he was a vocal opponent of the war in Vietnam, and later the wars in Iraq and Afghanistan. He, like most members of the Greatest Generation, knew something about war. And he was critical of those, who never having been in war were quick to send others to fight in far away places. Frank had been an advisor or counsel to a great number of Republican candidates from Governor Elmer Anderson to Senator Rudy Boschwitz to Steve Maxwell and a large number of other generally-deserving candidates. He encouraged young lawyers to be involved politically.

Frank Claybourne. Tough, common sense, even-handed and fair, involved in his community, litigious and with a great zest for life. We won't see his kind pass by again any time soon. He was our Atticus Finch and of him it can truly be said, as written by Harper Lee, "stand up, a lawyer is passing by".

Respectfully submitted,

Vance K. Opperman, Joseph R. Kernan, Robert J. Schmit, James E. Schatz, Henry D. Flasch, T. Jerome Halloran, William J. Cosgriff and Alan I. Silver.

## **Wayne P. (Tim) Dordell**

September 29, 1937 - March 4, 2011

Wayne P. (Tim) Dordell was born in St. Paul, Minnesota on September 29, 1937 and passed away in Mesa, Arizona on March 4, 2011 due to complications from Parkinson's disease. In 1955, Tim was a member of the first graduating class of Roseville's new Alexander Ramsey High School. He graduated from St. Olaf College in 1959, and in 1963 graduated from William Mitchell College of Law, finishing first in his class.

Tim began his legal career with the firm of Erickson, Popham, Haik & Schnobrich. Soon, however, he and law school classmate Gene P. Bradt joined Horace Hansen and Larry Hazen to form the firm that would become Hansen, Dordell, Bradt, Odlaug & Bradt ("HDBOB"). In marking Tim's death, the firm announced that it was sadly observing the passing of "its long-time partner and friend, the 'D' in 'HDBOB.'" Tim cherished the intellectual challenge of the practice of law as well as the gentility he associated with the true partnership founded on professionalism, trust, respect and friendship that he helped build at HDBOB. Throughout his long and distinguished legal career, Tim served for many years as HDBOB's managing partner until his retirement in 1999.

Tim was a trusted adviser, a creative counselor, a skilled litigator and a passionate advocate across a remarkably broad spectrum of practice areas. He was a superb trial lawyer and consummate appellate practitioner who argued many cases at the Minnesota Supreme Court as well as the United States Court of Appeals for the Eighth Circuit. Notable Minnesota appellate decisions include *State v. Tahash*, 141 N.W.2d 3 (1965), which established the "Rasmussen hearing" where cause can be challenged 'on the record' and criminal charges dismissed, and *Perkins v. National R.R. Passenger Corp.*, 289 N.W.2d 462 (1979), which overruled the sixty-year old extra-hazardous railroad crossing doctrine.

William M. Bradt, the second 'B' in HDBOB, said "Tim was a jack of all trades and a master of many who instilled in me the importance of civility in the practice of law, a quality those of us who were mentored by him continue to emphasize to those we mentor." David J. Odlaug, the 'O' in HDBOB, said "Tim was an exceptional man and an exceptional attorney. He competently and diligently represented his clients but always in a gentlemanly and civil manner. Many of those who he represented became more than clients, they became friends." William H. Manning, of Robins Kaplan Miller & Ciresi, said "Wayne Dordell was known throughout the Twin Cities legal community as a superb trial lawyer and an all-around excellent general practitioner. He was involved throughout his life in many charitable causes, but his devotion to the law earned him the words of praise from numerous lawyers throughout the community, 'He was a Lawyer's Lawyer.'"

...WAYNE P. (TIM) DORDELL cont'd

In the March 2012 issue of *Bench & Bar*, MSBA president Brent Routman quoted Winston Churchill in noting transitions and retirements: "We make a living by what we get, we make a life by what we give." Tim was an active and engaged citizen, including service on the Board of Trustees of Como Park Lutheran Church; as the General Counsel of the Lyngblomsten Foundation; as a Commissioner for the City of Shoreview Parks and Recreation Department; and as the Founder and Charter President of the North Suburban Evening Lions Club. In addition, he provided decades-long service to a cherished client, the Degree of Honor Protective Association, a national fraternal life insurance society, serving as the Association's General Counsel, a member of its Board of Directors, and as an Honorary Board Member Emeritus at the time of his death.

Tim was a lifelong sports fan. He played hockey in high school and college, participated in competitive softball and bowling leagues as a young professional, and enjoyed golf and contract bridge throughout his life.

As much as Tim loved the practice of law and community service, family always came first. He is survived by his wife of 50 years, Priscilla A. Dordell, three children and their spouses, and two grandchildren. In his retirement years, he found his greatest joy on the sun-drenched sports fields of Arizona, watching his grandchildren compete in soccer and baseball games. He is greatly missed by his family and friends, including his colleagues in the Ramsey County Bar Association.

Respectfully Submitted,

Timothy P. Dordell, Vice President, Secretary & General Counsel, The Toro Company

William M. Bradt, Of Counsel; Hansen, Dordell, Bradt, Odlaug & Bradt, PLLP

## **Susan Marie Elfstrom**

December 29, 1951 - June 12, 2011

Sue grew up in Roseville and graduated from Alexander Ramsey Senior High School in 1970. She attended the University of Minnesota, where she met her future husband, Randy Nordquist, at a party. Sue and Randy both attended William Mitchell College of Law. Sue graduated in 1979.

While Sue was in law school she clerked for Judge David Marsden in Ramsey County District Court and interned for the Ramsey County Attorney's Office. Sue's internship was in the Juvenile Unit and Kathleen Gearin, now the Chief Judge in Ramsey County District Court, was her supervisor.

Sue began her career as an Assistant Ramsey County Attorney, which allowed her to have considerable trial experience. From 1983-85, Sue was a partner in the firm of Schlesinger, Schmitz & Elfstrom. In 1985, Sue opened her own civil litigation firm and also served as a part-time Assistant Ramsey County Public Defender for the first year she was in solo practice. She later moved her office to the Foshay Tower in Minneapolis. In 2002, Sue joined the Gilbert Mediation Service and dedicated her practice to mediation and arbitration. Sue retired from the practice of law in 2006.

The majority of Sue's career was devoted to helping injured people and young people. Among other pro bono projects, Sue provided legal services to teenage girls who were seeking court approval for medical treatment related to their reproductive rights.

Sue was active in DFL politics and hosted many fund raisers in her home on Summit Avenue.

In her free time, Sue loved to play golf. She also was an avid reader and patron of the arts. Sue enjoyed attending concerts, the opera, and the theatre. She had many friends who have sorely missed her company.

Throughout her battle with breast cancer, Sue demonstrated many of the personality traits that made her a good attorney: intelligence, fearless courage, strength in the face adversity, and resolution to fight until the end. Sue's goal was to live as long as possible for her beloved daughters, Hope and Emily Nordquist. In December, 2010, when she was very ill, with the help of relatives who traveled with her, Sue was able to go to Hawaii and enjoy one last vacation with Hope and Emily.

Respectfully submitted,

Patricia Maloney

## **Fred W. Fisher**

February 15, 1919 - December 5, 2011

Fred Woodruff Fisher died peacefully on December 5th two months before his 93rd birthday. The cherished only child of John Franklin and Flora May Fisher, Fred grew up in Eau Claire, Wisconsin. In 1942, after obtaining a short deferment to finish his law degree, Fred married his childhood sweetheart, Marion Day Gorton. The two moved to Rome, New York where Fred began his service in the Army Air Corps. Before he was too thin to meet the overseas weight requirements, he served stateside as a weather forecaster.

Fred's first child, Bonnie, was born in Rome. Marion and Fred settled in St. Paul in 1945 where his next two children, Nancy and Peggy, were born. They remained staunch St. Paulites until 2002 when they moved to Eagle River Townhomes in Mendota Heights. Thirty years later they left Eagle River for an independent living apartment at Presbyterian Homes of Inver Grove Heights.

Fred's steadfast personal and professional life was foreshadowed by his experience during the 1942 blizzard. Studying in the law library, oblivious to what was occurring outside, Fred ended up spending the night and most of the next day there. No streetcars were running!

He began practicing law at the firm of Faricy, Burger, Moore and Costello and later established a partnership with Vern Berryman and Robert Johnson, then with Richard Grayson and Ronald Evans. Early in Fred's career he served as a St. Paul public defender and, beginning in the 1950s, taught at the St. Paul College of Law (now William Mitchell College of Law). That's where Dan and I first met Fred. Our class contained three women which was an anomaly in those days. Fred taught "Domestic Relations" (now family law) and, with us in the class, was very uncomfortable discussing the intimacies involved in this area of law; as I recall, he never looked up at our side of the room!

Later, between 1975 and 1980, Dan and I shared an office in the Endicott Building with Fred, Dick and Ron. Fred loved the camaraderie of his lawyer and business associates in downtown St. Paul. We played Liars' Poker almost every morning in the building's café. I don't recall how Fred usually fared; I only remember that I was a more than occasional loser.

Fred served on the church consistory of Peace United Church of Christ for more than 25 years. He also served on the St. Paul Housing and Redevelopment Authority, and on the boards of the St. Paul Council of Churches, St. Paul's Church Home, Lakeland College and Mission House Seminary in Sheboygan, Wisconsin, and the founding board of the United Theological Seminary in New Brighton, Minnesota. In 1973-1974 he served as president of the Ramsey County Bar Association.

...FRED W. FISHER cont'd

Fred was a "hands on" dad. His daughters remember snuggling up to him on the couch after supper while he read to them for such children's classics as Heidi and Peter Pan. Bonnie enjoyed tagging along on his weekly trip to the dump! Nancy loved accompanying him to his law office on Saturday morning where he gave her free reign while he finished up some work. During the summer he took the family on cross county trips to places he believed would be educational: The Black Hills, Yellow Stone Park, Washington D.C. Prior to the trip each child was required to do research on the destination; afterward each was expected to create a product demonstrating what she had learned. Bonnie still has drawings she did in Yellow Stone but recalls that one year the youngest, Peggy, produced a two-line poem. "She got away with doing nothing," Bonnie quips. Sound familiar?

Fred and Marion played bridge and traveled widely with friends. Avid golfers they used their membership at the St. Paul Town and Country Club to good advantage. Fred moved to Boutwell's Landing Care Center in July of 2011 where he was a great yoyo aficionado. He would hold a great grandchild on his lap and jerk the yoyo up and down to the delight of all. He even managed a couple of bounces at the end of his life.

The day before he died, surrounded by love and laughter, Fred was awake and engaged as four of his great grandchildren decorated his door for Christmas.

Fred was loved and respected by many including his surviving family: three daughters; seven grandchildren and give great grandchildren, and the Ramsey County legal community.

Respectfully submitted,

The Honorable Mary Louise Klas and Dan Klas

## **Joseph E. Flynn**

May 16, 1936 - April 1, 2011

Joseph E. Flynn was a partner with Knutson, Flynn & Deans, once known as Peterson & Popovich. Born and raised on a farm near Litchfield, Minnesota, he went to high school there and then St. John's University, Collegeville, Minnesota, graduating in 1958. He taught in the North St. Paul School District until he graduated from William Mitchell in 1966. He immediately went to work for Northwest Orient Airlines as a labor relations attorney. In 1968 he joined Peterson & Popovich, practicing labor, employment and school law, representing numerous school districts and the Minnesota School Boards Association until shortly before his death on April 1, 2011. He also served for many years as Chief Labor Relations Consultant and Negotiator for the Iowa State Board of Regents. During his career, at one time he served as Special Assistant Attorney General for the Minnesota State University Board and the State of Minnesota and was appointed to serve on the Public Employment Relations Board. One of Joe's greatest joys was practicing law with his son, Michael and brother Patrick.

Joe was a skillful, tough, no-nonsense negotiator in representing clients in collective bargaining and other legal matters. He was smart, willful, determined, straight-talking and gruff. He had no tolerance for dodgy conduct or gimmickry. He was, however, quick to forgive mistakes or missteps if one owned up to them for he saw them as great learning opportunities. He gladly played the devil's advocate in any argument and displayed negotiating skills in buying and selling houses, cars, trucks, boats, snowmobiles and the like. The art of the deal was one of his favorite past times and one at which I doubt he was ever bested.

Few people were as much fun or more stimulating than Joe. He had a fierce love for his family, a quick Irish wit and a passion for politics – local, state and international. He was magnanimous and generous to anyone in need.

No matter how grueling or tiring the work week, Joe insisted Saturday mornings and afternoons were for mowing, raking, trimming trees, building docks, etc. The Flynn kids never slept in on Saturdays. When they protested the early rising, Joe asked, "Do you think the cows care if it's Saturday? Have you ever heard the sound of a hungry cow?" At the end of the day Joe would burn everything mowed, cut or trimmed. Some of his fires could be seen from far distances and attracted police attention. The kids would, at Dad's command, roast wieners so that Joe's conflagration could be a "recreational fire."

Joe loved German Shepherds, especially mischievous ones. He often said that if his dogs were better behaved, he wouldn't like them as much. When one of his beloved German Shepherds would go to the public beach to steal ice cream cones, clothing or whatever would initiate a chase, the police would again show up for the dog running at large. Joe would tell Dorothy that she would have to take the ticket – "I can't lose my license to practice." He got lots of laughs jet

... **JOSEPH E. FLYNN** cont'd

skiing on White Bear Lake with his big Shepherd Cody by his side.

Joe Flynn will be missed by all who knew him but most of all, he will be missed by his beloved family including his wife, Valerie, son, Christopher, daughters Tracy Bowe, Kate and Meg Flynn and stepdaughter, Brianne Oachs. In addition Joe was survived by his sister, Dorothy Tacheny, brother, Patrick and ten grandchildren. He was preceded in death by former wife, Dorothy, son Michael and brother Don.

And so, Joe,

One brief moment and all will  
be as it was before.  
How we shall laugh at the trouble of parting  
When we meet again.

Respectfully submitted,

The Honorable Michael Fetsch

## **Judith R. Gartner**

October 16, 1941- September 10, 2012

Judith Gartner practiced corporate law at the former St. Paul law firm Orbovich & Gartner Chartered. Judith was a highly energized whirlwind who could passionately focus on a wide variety of subjects simultaneously. She had an unsurpassed eye for detail and disciplined work ethic. By forming hundreds of corporate and legal entities, and drafting countless contracts, she helped her clients launch huge new ventures that successfully expanded their mission to provide services to some of Minnesota's most vulnerable citizens. Simply put, Judith made her clients' dreams come true.

Judith was a 1958 graduate of The Chaffee School in Windsor, Connecticut. In 1962, she received a bachelor's degree from Wellesley College and in 1963 she received a Master of Arts in Teaching from Harvard University. At a time when she was a mother of two active school-age daughters, she changed her career path and enrolled at the University of Minnesota Law School, where she graduated cum laude in 1980.

Judith was the glue that held our small firm together for 15 years. It is a rare achievement that we started our firm with six people and ended, fifteen years later, with those same six people. That was a tribute to Judith, and it demonstrates how much the rest of us enjoyed her boundless energy, optimism, good humor, talent and enthusiasm.

In addition to the law and her family, Judith's other great passion was the International Center for Clubhouse Development, an international organization that helps communities around the world create Clubhouses, which are community centers that give people with mental illness hope, and the opportunity to reach their full potential.

Through her volunteer work with ICCD Clubhouses Vail Place in Minneapolis, Fountain House in New York City and Hope Clubhouse in Fort Myers, Florida, and as the first ICCD Board chair, Judith became a champion for the Clubhouse model of psychosocial rehabilitation. Joel Corcoran, the Executive Director of ICCD, writes that Judith "never tired of telling anyone who would listen that people with mental illness could recover and lead healthy and productive lives if given the opportunities and support to finish school, go to work and belong to a community that offers friendship and a little extra help when it gets hard. She was a great believer in everyone's potential and always focused on what could be done regardless of the barriers."

Judith began her journey of fighting and living with ovarian cancer in September 2006. She planned her exit from the private practice of law because she genuinely wanted to spend as much quality time as she could with her husband of 45 years, Lud Gartner, and her daughters Anne and Rachel, and their families,

... **JUDITH R. GARTNER** cont'd

especially Judith's four young grandchildren, Allison, Mathew, Emma and Jay. On her last personal entry to her Caring Bridge website, Judith wrote:

I've been thinking lately about my senior college research paper. Of the choices that they gave us, the depiction of death through the centuries of French literature appealed to me the most. As it turns out, thinking about the realities of dying and death at a young age strongly influenced my attitudes about life as well as my acceptance of the reality of death. We can't know what the immediate future brings but I am fortunate to be in the caring hands of my family, my hospice nurses, and private aides who fill in, so I am not alone. I have a hospital bed in our living room so I'm at the center of activity....

Judith was a friend and mentor to many and she closed her last entry thinking of those friends. She thanked those who had blessed her with many visits during her final days and appreciated receiving "well-wishes from countless others."

We all miss her very much.

Respectfully submitted,

Sam Orbovich

## **Curtis Paul (“C. Paul”) Jones**

January 7, 1927 – April 19, 2011

The legal community lost a champion of justice when C. Paul Jones passed away on April 19, 2011.

Paul was born in North Dakota and grew up there until moving to Minneapolis as a senior in high school. When Paul was thirteen, his father passed away unexpectedly. Another hardship followed not long after, when he had an accident at the meat counter where he worked, losing the fingers on his right hand. Always left-handed (and already nicknamed “Lefty”), he persevered, kept his mischievous sense of humor, and focused on his education and his sports – basketball, football, boxing, and swimming.

Paul received his bachelor’s degree followed by his law degree in 1950 from the University of Minnesota Law School where he served on the *Minnesota Law Review*. He then began a career that spanned more than 50 years and included private practice, public service, teaching, and a commitment to helping others succeed. He started his practice as an associate at Lewis, Hammer, Heaney, Weyl & Halverson before becoming a deputy Hennepin County attorney. In 1955, he received his LL.M. degree from what is now William Mitchell College of Law. He also served as an assistant U.S. attorney and practiced with Maun & Hazel in St. Paul and Dorfman, Rudquist, Jones & Ramstead in Minneapolis.

In 1966, Paul became a pioneer in the Minnesota legal community when he became Minnesota’s first State Public Defender. In his new role, he built a reputation as a warm, humble, hardworking person who was committed to equity and fairness. He also became known for his practice of hiring highly talented women lawyers in the public defender’s office at a time when most law firms would not even interview them. In 1990, after 25 years leading the office, Paul retired.

In addition to his practice, he loved helping law students and new attorneys find their footing in the practice of law. He served as an adjunct professor at William Mitchell from 1953 to 1970, a full professor beginning in 1970 (in the evening program), associate dean for academic affairs from 1991 to 1995, and in 2001 became an *emeritus* professor of law. In addition, Paul served as an adjunct professor at the University of Minnesota Law School for over 20 years.

Among his innumerable civic and legal volunteer endeavors, Paul served on the Minnesota Supreme Court Advisory Committee on Rules of Criminal Procedure for 42 years. In 1966, he was a founder of the annual Minnesota Criminal Justice Institute, which continues to bring together the criminal justice community to study developments in criminal law.

Most important to Paul was his family – wife Helen, daughters Katie and Sara, and four grandsons. “Pop” treasured his family time, whether at home, at the

...CURTIS PAUL (C. PAUL) JONES cont'd

cabin in Hayward, or "desert watching" during winter vacations in Palm Desert. He and Helen were married for 53 years when Paul died on April 19 and Helen died on April 20, 2011.

Respectfully submitted,

Sara H. Jones

## **James M. Lynch**

February 22, 1923 - May 5, 2011

Judge Lynch was born on February 22, 1923 and died on May 5, 2011. He sat as a judge from 1963 to 1991. Jim was a St. Paul guy. As a boy he beat his father, The Ramsey County Attorney, to the scene of the 1934 John Dillinger shootout. He married a Minneapolis girl, Mary Nicolas. The marriage lasted until her death, a few days short of their 50th wedding anniversary. Jim and Mary raised five children.

Judge Lynch was a humble man who never wanted a fuss or attention. He always gave credit to others. He told his kids that they were smart and good looking because of the good genes they were given by their mother. He had a great sense of humor and when he was telling a story, his Irish eyes would sparkle.

Jim was part of the "greatest generation" who served in the military during World War II. He served in the Army Air Force and was lucky to stay in the U.S. He would always say he flew "top cover over Kansas City," and which he proudly noted, "Was never bombed on my watch."

Jim Lynch was a peace-maker in his personal life. He didn't like conflict and always worked to find a solution. His humor came through here, too, because he always said that the only fight lost as a boy was when he slipped going around a corner and the guy caught up to him.

Despite his dislike of personal conflicts, he loved trying cases and resolving legal conflicts. He was willing to discuss resolution, but not for very long. He was famous among lawyers for shortening settlement discussions by telling his clerk, "Get the jury up right now."

Judge Lynch was a no-nonsense judge with an incredible work ethic. He handled many serious criminal cases, including the notorious Knowlton murder trial. Knowlton kidnapped a little girl in a St. Paul church, sexually assaulted her, and dumped her body in a dumpster on Grand Avenue. His civil orders were noted for getting right to the point without a lot of fancy case quotations. He cut to the core of the case and made his decisions quickly. All of the judges in my generation looked up to Judge Lynch and have tried to emulate his work ethic, his calm demeanor, and his ability to analyze issues.

His humor still came through even in his last days. During treatment for cancer he said that he would live to be 104, "or at least he would feel like it." He told his children right before he died how proud he was of them. And then he added as reason for his pride "none of you moved to Stillwater." His son Tim, a retired commander with the St. Paul Police Department, told me that a fellow officer

...**HON. JAMES M. LYNCH** cont'd

summarized Judge Lynch perfectly by saying: "Judge Lynch held the title of 'Honorable' through his career, but also through his life."

Respectfully submitted,

The Honorable Kathleen Gearin

## **John J. McNeely**

October 8, 1931 - January 28, 2012

John McNeely was born on October 8, 1931 in St. Paul, Minnesota. He was the eldest son of Mae Carlin McNeely and John J. McNeely. He attended St Mark's School, St. Thomas Academy (1949), and St. Thomas College until he was called to active duty by the U.S. Marine Corps in 1950. John served as a link instructor in the Marine Air Wing during the Korean War and would facetiously talk about "baring his breast to the bullets of the enemy", even though his service was fulfilled entirely in California.

He graduated from Georgetown University College of Arts and Science (1955), Georgetown University Law School (1958). During his Washington years, he was an aide to Minnesota Senator Eugene McCarthy. Following law school, he clerked for Justice Oscar Knutson, Chief Justice of the Minnesota Supreme Court. In 1959, he joined the law firm Briggs, Gilbert, Morton, Kyle, and McCartney. In 1960, that firm merged with Morgan, Raudenbush, Morgan, Oehler, and Davis to become Briggs and Morgan. John was a member of the Firm for 49 years retiring in 2008, which probably passes the test of time.

When John joined the Firm, he became its tenth lawyer. With his arrival, the Firm's limited space on the 21st floor of the First National Bank building was abandoned in favor of the 22nd floor, which the Firm shared with FCI, the Weyerhaeuser family office, a significant client of the Firm.

John was enthusiastically greeted and senior partners soon put the arm on him to assist in ongoing matters. During his first few years, John came under the influence of Richard E. Kyle and J. Neil Morton, who were the driving forces of the Firm at that time, and came under the primary mentorship of Morton, who was an expert in estate planning, probate and trust work.

Evidence of Morton's influence on John was that John adopted a few of Morton's characteristics, including:

- Wearing green eye shades in the office;
- Using rubber bands to keep sleeves on white shirts from dragging through fresh ink on yellow pads;
- Meticulously drafting all documents in long hand on yellow legal pads that would be scotch taped into wallpaper sized rolls;
- Peering over his secretary's shoulder to supervise her work; and
- Treating all electronic devices with disdain.

...JOHN J. MCNEELY cont'd

John served at various times over the years as a Director of the Firm and as Chair of the Trust and Estate Planning group. He was a member of the American College of Trust and Estate Counsel. Members are elected by their peers and constitute a distinguished group of practitioners in the field.

He was a fount of facts concerning his and the Firm's clients. He was a walking repository of genealogy. On a given day, he could recite the family relationship of a good portion of the City of St. Paul; who was married to whom, what schools they attended and whose house they lived in.

John was an avid golfer even if his enthusiasm for the game sometimes exceeded his aptitude for it. He was an early morning riser. As a regular matter, he appeared in the office by 6:00 AM. He applied the same principle to the golf course. John learned that the Highland Park course took reservations starting at 6:00 AM, but that the starter would let golfers on as early as 5:15 AM. He somehow found friends who would report for golf at 5:00 AM with him, walk the course and complete 18 holes in 3 hours or less, followed by a sumptuous breakfast, a shower and travel to the office to complete his week. Since John always acted as the scorekeeper, his score was never publicized.; he claimed it was confidential.

John was an ardent Democrat and supporter of the party. One of his most valued possessions was his invitation to President John F. Kennedy's Inauguration in 1961.

Another chairmanship which John held for many years was of the "Heart Association" - not the national health organization - but rather the name given to a gathering of lawyers and officers from local trust companies who met each Friday afternoon at a downtown watering hole in Saint Paul to relieve the stress of the week and thereby ensure the good health of the members. Many close and long lasting friendship rose from that Association.

His private life was full of family, friends, golf, travel, stories and laughter. He was blessed with five children; eight grandchildren; two great grandchildren; and numerous nieces and nephews. He ended many conversations with "Keep the faith. And remember to vote Democratic." He lived his life by what the Jesuits taught him, how the law guided him and the path that rose before him. The family would like to extend a heartfelt thank you to the Ramsey County Bar Association for the privilege of honoring him today and are grateful to share this memorial program with their father's longtime close friend, Rodney Thein, Rod's widow, Terry, and their children.

Respectfully submitted,

Patricia McNeely Gordon, Mary Ward, Elizabeth Keyes, Martin Fisk, Michael J. Galvin, Jr.

## **Charles E. Mertensotto**

April 19, 1928 - October 25, 2011

Like a great many of his era, aptly named the Greatest Generation, Chuck's life can be defined by sacrifice and service. He served his country during WWII, as a member of the United States Navy; he served Minnesota as member of the Metropolitan Airports Commission, he served Dakota County as a County Commissioner and as a founding member of the Dakota County Library Board that was instrumental in supporting and building libraries across Dakota County; He served the City of Mendota Heights as Councilperson for 14 years and Mayor for 16 years.

After positions at Northwest Airlines and UNIVAC, Chuck attended evening classes at William Mitchell College of Law and earned his degree in 1963. Chuck, along with his partners, Joseph P. Tracy and John C. Rowland, associate Dennis McPartlin, were privileged to serve clients in St. Paul, particularly along West 7th Street from the Capital to Fort Snelling for 48 years. He took pride in representing clients of all ages and backgrounds and was proud of arguing cases before the Minnesota Supreme Court and Minnesota Court of Appeals.

Chuck was raised in New Ulm, MN with two brothers and a sister and learned from the young age of 12 to earn his own money needed to buy clothes and other items, while working at a bowling alley, dry cleaners and meat market. He was proud of Holy Trinity Catholic School in New Ulm. In fact, in June 2011, Chuck attended a 65th reunion of his graduating class.

After graduating from Holy Trinity High School in New Ulm, Chuck was accepted to the University of Notre Dame, however, due to financial constraints, he had to pass on that opportunity. Chuck then enlisted in the United States Navy and received an honorable discharge. After his naval service, he went on to graduate with a chemical engineering degree from the University of Minnesota. Chuck's interests included his cabin on Lower Whitefish, snowmobiling, golfing, fishing, following the Twins, attending his grandchildren's events and going to his winter home in Ft. Myers, Florida.

Chuck had a great recollection of Mendota Heights' history, recalling when many of the roads were yet gravel and when and what utilities were installed. During his election years, he visited every Mendota Heights mailbox or doorstep many times.

He thought it was very important to work hard and never stop learning. At age 70, he purchased his first computer and took a class on how to operate it. This past June, Chuck attended Continuing Legal Education classes to renew his license. At the time of his death, at age 83, Chuck was a licensed attorney in the State of MN.

...**CHARLES E. MERTENSOTTO** cont'd

Chuck is survived by his wife of sixty years, Arlean, and his children, Lynn Girouard, Sandy Novitzki and Robert Mertensotto. Chuck's life can be summarized by loyal service - to his church, country, community, clients and his family.

He left a lasting impression on our lives, and he is dearly missed.

Respectfully submitted,

Thomas Novitzki, Attorney at Law

## **The Honorable Edward D. Mulally**

September 13, 1916 - June 6, 2001

My Grandfather, the Honorable Edward D. Mulally of St. Paul, died Monday, June 6, 2011 in St. Paul at the age of 94 with family near.

Grandpa Ned was born in St. Paul Sept. 13, 1916; he grew up on Summit Ave. and attended St. Thomas Academy and the University of Minnesota, where he was a member of the Delta Kappa Epsilon Fraternity. He pursued the profession of his father, prominent St. Paul Attorney James Mulally, earned his law degree at William Mitchell College of Law, and was admitted to practice in February, 1942. Grandpa served his country from 1942-45 first as in an Infantry Officer, and then as a U.S. Air Corps Officer-he was a qualified pilot instructor during WW II. He also served as a Trial Judge Advocate. He married my grandmother Harriet Shaw in 1943 following a courtship that took place, in part, on the shores of Bald Eagle Lake and they raised three children: my mother Kathy, my dearly departed Aunt Jane and my uncle Brian. Finished with his military commitment in 1945, he practiced law for seven years in St. Paul before Gov. Elmer Anderson appointed him as a Judge, first of the St. Paul Municipal Court in 1952, and later to the Second Judicial District (Ramsey County) bench in 1961.

During his years on the bench, my grandfather became known for a sharp sense of humor that would underlie what appeared to be a gruff exterior. He tolerated no nonsense in his courtroom, but was known for catching courtroom attendees unaware with flashes of wit interspersed with stern directives. Pursuant to special appointments, he served as a Justice of the Minnesota Supreme Court for six months in 1973 and, following his retirement from the District bench in 1986, for many years as a Judge of the Minnesota Court of Appeals. Grandpa Ned's younger brother Judd also practiced law in St. Paul, and his older brother Charles served as a St. Paul Police Lieutenant.

Some of you knew him as a Judge, I did not. He retired when I was a senior in high school. The party was held at my parents' home in White Bear Lake, and I was given the job of bartender. The party was well attended and later into the evening, one of our city's fine young police officers approached the back door. Expecting no doubt to hear Van Halen blaring from the stereo and find a keg in the kitchen sink, he instead came face to face with.....half the Ramsey County bench, drinking martinis and manhattans. Needless to say, he made a quick exit.

Grandpa became a widower when my grandmother died in 1975, and in 1977, when I was 8, he married the wife who survives him, Clelia, with whom he shared laughter, travel and companionship for over thirty years. Known to those around him as a tremendous intellect, he possessed a wealth of knowledge about many things. He was known to his family for his unique brand of

. . .HON. EDWARD D. MULALLY cont'd

handiness around the house: there was nothing he could not fix given some scotch tape and a stapler. Actually, I believe he sometimes even applied these tools to his clothing in later years. He also played piano beautifully (always by ear)-I remember singing "Pony Boy" by his side as a young boy, when we stayed with Grandpa and Grandma while my father spent time in the service. As a young man he swam and played tennis competitively.

He is preceded in death by my grandmother Harriet, by his daughter Jane Olson, his brothers Judd and Charles Mulally, and his sister Judith Lillian. He is survived by his wife Clelia Mulally, his sister Joan McNamara, and his children Kathleen Wachtler and Brian Mulally, and ten grandchildren and nine great-grandchildren.

Rest in peace, dear Ned, you will be missed always, by your loving family.

Respectfully submitted,

Christopher Wachtler

## **John M. Roszak**

October 6, 1944 – September 13, 2011

John Michael Roszak, grew up in South St. Paul, the youngest of four sons of Anthony and Frances Roszak. John is survived by his wife Linda, daughters Kathryn, Caroline, and Jessica, grandchildren Magnolia and Johan and brothers Dave, Jim and Tony.

After graduating from Cretin High School and attending St. Mary's College in Winona, John graduated from the University of Minnesota with a Bachelor of Arts degree in English in 1966. Subsequently, he attended and graduated from the University of Minnesota Law School in June, 1969.

From 1969 to 1972 John was a Special Agent for the Federal Bureau of Investigation and he loved to tell stories about his days in southern California as a member of the organized crime task force. After his return to Minnesota in 1971 he began to practice of law with the LeVander, Gillen and Miller law firm in South St. Paul. It was at this time that he acquired the South St. Paul School District as a client and so began what ultimately became almost forty years representing school districts and other government bodies.

In 1977 John was recruited by Peter S. Popovich to join the Peterson Popovich law firm in St. Paul, which then had the largest and most prestigious school law practice in the state. During more than ten years with that firm, first as an associate and later as a partner, John developed a reputation for successfully addressing labor relations and employment issues of public employers. Especially significant was John's effectiveness negotiating and implementing collective bargaining agreements.

In 1987 John was instrumental in the founding of the Ratwik, Roszak, Maloney and Bartel law firm. Now known as Ratwik, Roszak and Maloney, P.A., the firm has grown from six to more than twenty attorneys and represents school districts throughout Minnesota and in Wisconsin as well as numerous cities, counties, the Association of Minnesota Counties and other government entities.

John played a significant role in shaping Minnesota law with regard to the powers and responsibilities of public employers and, in particular, school districts. Over the course of his career, John appeared before the Minnesota Court of Appeals fifteen times and the Minnesota Supreme Court twice. Among the most significant of his cases was *Dokmo v. Independent School District No. 11, Anoka Hennepin*, 443 N.W.2d 31 (Minn. App. 1989), 459 N.W.2d 671 (Minn. 1990) which established the jurisdictional requisites for an appeal by a public employee of a termination for cause. His clients were fiercely loyal to John, who they considered to be their trusted advisor.

John's contribution to the law firm he helped found was immense. He drafted

.. JOHN M. ROSZAK cont'd

the business plan on which it was based and secured its initial financing. He served as its president twice. He generously spent time mentoring its associates and played a significant role in training the generation of attorneys who now manage the firm. His integrity and strong sense of ethics set the standard for the law firm. His wisdom and foresight influenced every critical decision the law firm made in the twenty-three years during which he was a shareholder.

John generously contributed his time and effort in support of the professional associations of his clients. He frequently wrote articles and gave presentations on critical issues at their meetings and conventions.

John was a man of many and varied interests. He was an enthusiastic and skilled gardener. He enjoyed classical music and was well-read, as any English major should be, but he was also a follower of many mystery writers, especially Arthur Conan Doyle. He enjoyed theatrical and dance productions but also closely followed the Gopher Hockey team. Associates could identify game days because John would wear maroon and gold sweaters and would hang his gopher hat and jacket in his office.

John was an avid golfer, hunter and outdoorsman. And occasionally, he would allow terminology associated with one of his interests to intermingle with the terminology of another interest. Thus, he named his hunting dog Watson so he could announce "Watson, the game is afoot". And from time to time he would befuddle associates when he told them to "bird-dog" an issue but to not "chase rabbits down holes".

John was a positive and inspiring force in the lives of many people and will be missed by many.

Respectfully submitted,

Paul Ratwik

## **The Honorable John E. Simonett**

July 12, 1924 - July 28, 2011

Minnesota Supreme Court Justice John E. Simonett died on July 28, 2011, at the age of 87. He was born on July 12, 1924, at a Mankato hospital and grew up in nearby Le Center. He graduated from St. John's University (magna cum laude) in 1948, with time out for military service (November 1944 to September 1946), including time in the Philippines as a 1st Lieutenant, Infantry.

He met his future wife, Doris Bogut, who attended the College of St. Benedict, during his college years at St. Johns. After college, he graduated from the University of Minnesota Law School (magna cum laude) in 1951, where he was Order of the Coif and President of the Law Review. He and Doris were married that same year in Hudson, Wisconsin, and moved to Little Falls, Minnesota. Justice Simonett raised a family and practiced law for 29 years in Little Falls with Senator Gordon Rosenmier. He was State Deputy of the Minnesota Knights of Columbus (1961-62) and a Charter Member of the American Board of Trial Advocates.

He served as an Associate Justice of the Minnesota Supreme Court (1980-94), following which he joined the Greene Espel Law Firm until his retirement some 10 years later.

Justice Simonett and his wife of 59 years, Doris, raised six children. Their oldest daughter, Anne, who died in 1995, was a partner at Faegre & Benson, then served as a Hennepin County District Court Judge until her appointment as the first woman Chief Judge of the Minnesota Court of Appeals. Anne and her husband, Hank Shea, now married to Chris Shea, had two children, Henry Shea, S.J. and Claire Simonett Shea. Two daughters, Mary Wegerson (Edward) and District Judge Martha Simonett (Gabriel Graur), live in the Twin Cities. Two sons also live locally - John, and Paul (Julie), and a third son Luke lives in Little Falls, Minnesota. In addition to Anne and Hank's two children, Justice Simonett is survived by six additional grandchildren - Catherine and Joseph Simonett, Rob and Tate Preston, Paul and Sarah Wegerson, and great-granddaughter Madison Wegerson.

Justice Simonett was known as a great trial lawyer and while on the State Supreme Court developed a reputation as a legal writer of great skill and clarity. He had a sharp, generous wit and was a true man of letters - always reading and returning to the classics for inspiration. In 1963, he wrote a humorous essay entitled "The Common Law of Morrison County", where he discussed certain imaginary unwritten legal rules, such as that no

. . .HON. JOHN E. SIMONETT cont'd

will should be signed with a ballpoint pen and executed on a Sunday. He loved words and writing, and was known as well for his self-deprecating sense of humor and humility.

Respectfully submitted,

The Honorable Martha Simonett

## **L. Marshall Smith**

February 10, 1944 - October 25, 2010

L. Marshall Smith was a man who accomplished many things during his lifetime. He was an avid 4-H'er, a youth Ham radio operator, a person of high educational achievement, a brilliant law professor and legal scholar, an accomplished lawyer who argued before the United States Supreme Court and championed the rights of death row prisoners, a dedicated community servant, an avocado rancher, an avid bibliophile and accomplished writer in his own right, an excellent cook, a lover of music ranging from opera to rap, and one of those people who seemed to know something about everything. But most of all, he was a kind and gentle soul with a smile for everyone. Marshall would tell you that his greatest life's work were his three beloved children: Devin, Claire and Brennan.

Marshall Smith was born February 10, 1944, in Escondido, California, the son of Lomax and Mary Young Smith. He was a 1964 graduate of the University of Redlands, Redlands, California, after which he served as an officer in the United States Army. He graduated from the University of San Francisco Law School in 1973, and practiced law in California. Marshall earned an LLM from Harvard Law School in 1977 and joined the faculty of Southwestern University School of Law in Los Angeles, where he taught for 13 years. Marshall was a founder of the innovative SCALE program at Southwestern, which integrated conceptual learning and writing across the curriculum in a year-round two-year degree program. He was also an active appellate lawyer, defending inmates on death row in California. It was at Southwestern where Marshall met the love of his life, Mary Bolkom, who became his wife of 25 years.

Although Marshall was a son of California, he moved with Mary to her home state of Minnesota in 1989. Marshall not only survived in Minnesota, he thrived. He embraced summer lake vacations, snowy winters, hot dish recipes and hockey. He built a hockey rink behind his home on Summit Avenue, where he taught his children and their friends to skate and many lessons not only about hockey, but life. Marshall is remembered not only as a wonderful father to his own children, but as a surrogate father to many young people in need of a friend and mentor. Marshall and Mary almost always had at least one extra place set at their dinner table, and the guest room in the Summit house was usually filled. Marshall exemplified kindness and compassion.

Marshall practiced as an appellate lawyer during his years in Minnesota. He successfully argued the case of *Bousley v. United States* before the United States Supreme Court in 1997. He had some wonderful stories about this experience, but he told them only when pressed. Marshall was a modest person, and he did not like to talk about himself.

During the last seven years of his life, Marshall was of counsel to the Minneapolis law firm of Hanson Marek Bolkom & Greene. Here, he was a

. . .L. MARSHALL SMITH cont'd

"lawyer's lawyer" who handled appeals and wrote complicated briefs. He was a clear thinker and an accomplished legal writer. Marshall was a person of few pretenses. He preferred to work behind the scenes. He packed his lunch in a brown paper bag, and wore sweaters and vests knitted by Mary instead of a suit and tie. Even among this group of practitioners, he remained a law professor at heart. He was lovable and beloved by everyone at the firm. Sometimes I would seek Marshall out in his office to discuss a particularly challenging legal issue, but we invariably ended up talking about our families, books and sports.

Marshall was an active member of the Ramsey County Bar Association and a dedicated community volunteer in his beloved St. Paul. He was a tireless volunteer in the St. Paul public schools for many years and chaired the first Site Council for Capitol Hill Elementary School. He managed his children's sports teams and was a fixture in St. Paul youth hockey, baseball and soccer. He brought a quiet wisdom to every setting, and he was a trusted advisor both in his practice and his community.

Marshall passed away on October 25, 2010, after a courageous fight with cancer. He is survived by his wife Mary Bolkcom, his daughter Claire Smith, a college student currently studying abroad, and his son, Brennan Smith, who is here today. His beloved son Devin Smith passed away in July, 2011.

Thank you to the Ramsey County Bar Association and to Marshall's family for allowing me the privilege of remembering Marshall today. Marshall left us much too soon and is deeply missed by his family, friends and colleagues. He will always be remembered, however, as a wonderful attorney, law professor, husband, father and friend.

Respectfully submitted,

The Honorable Lezlie Ott Marek  
Ramsey County District Court Judge

## **Rodney T. Thein**

January 2, 1938 – November 4, 2011

I am honored to be here today to remember my father, Rodney Thein, a long-time member of the Ramsey County bar who was a friend and mentor to many. Rod often said he was the luckiest and happiest man alive, and reflecting back on his personal and professional life, we can understand why.

His good fortune began at birth by being born into a large and loving family where he acquired his sense of humor, work ethic, and strong faith. Rod was also lucky to be born with remarkably good health and a tremendous mind. He added his own hard work to his good fortune by leaving his hometown of Clara City, Minnesota to attend high school at St. John's Preparatory School, and then putting himself through Marquette University and Georgetown Law School by working long hours at jobs many would consider unpleasant. Even in his retirement years, Rod recalled with satisfaction the "good money" he made during his summers in law school, sealing cans eighty hours a week at the Continental Can factory.

Upon graduating from law school, Rod served three and a half years as a Navy Judge Advocate General before joining the First Trust Company of St. Paul in 1966. He remained with First Trust and its successors until 1999, when he retired as the head of the Minneapolis/St. Paul Probate department. Rod excelled in his career and was admired by his colleagues for his expertise in trust and probate law and his extraordinarily high "emotional IQ." He was extremely level-headed under pressure and was adept at distinguishing a real crisis from a perceived one. He handled difficult matters steadily and rationally, keeping problems in their proper perspective. As one former colleague aptly recalled, "Rod calmed us down."

His contributions to his profession include the mentorship and support he provided to the many newer trust officers who gravitated toward him because of his knowledge and fun-loving nature. He also served as a role model for how to conduct a career – and a life – with uncompromising character and integrity.

During the decades he spent working in St. Paul's legal community, Rod established lifelong friendships with people who became like family to him. He and his close friend John McNeely, who is also honored here today, were proud co-founders of the Heart Association, which held meetings most Fridays. From what I can gather, the association consisted of a group of individuals who were all dedicated to ensuring that the volume of beverage sales remained steady among St. Paul's local establishments. Rod greatly enjoyed the company of those good friends and the many other longtime friends who shared his enthusiasm for life.

Rod also balanced his work and home life exceptionally well. We children knew

. . .RODNEY T. THEIN cont'd

very little about his job, since he never brought work home and rarely talked about it outside the office. However, we had an idea that his clients were happy with his work, because many would send cards, gifts, and homemade candies to our family each holiday season.

Rod's happiness and luck were even more pronounced in his private life. His family was his greatest source of joy. He and his wife Mary enjoyed a long and loving marriage, raising six children together on the shores of Big Carnelian Lake in Stillwater. He spent countless hours in his fishing boat with his children and grandchildren, trolling the lake's "hot spots" for "fighter fish" and telling stories. After Mary's death, Rod had the great fortune of finding true love a second time. Rod's love for his wife Terry was palpable and immense. When she would walk into a room, his face lit up and he seemed to float.

Rod's happiness and love of life radiated through everything he did. We saw it in his easy laugh, his infamous golf swing, his interesting dance moves, and his ever-present smile. Near the end, as Rod was reflecting on his life, he summed it up by saying, in his typical upbeat manner, "It was a good ride." We can't help but agree. And like Rod, we feel incredibly lucky and happy to have been a part of it.

Respectfully submitted,

Katie Thein Kimlinger

## **Philip C. Warner**

October 17, 1955 - September 6, 2011

Philip C. Warner was born in Duluth, Minnesota on October 17, 1952. He was raised in Fargo, North Dakota, graduating from Fargo South High School in 1971. He went on to the University of Montana, winning a theater scholarship there. He ultimately received a Bachelor of Science degree with a major in political science from Michigan State University in 1977, where he graduated with honors. Philip earned his law degree from William Mitchell College of Law in 1982. In his third year of law school Philip was the recipient of the American Jurisprudence Award. Philip was an Eagle Scout, a distinction well-earned and worn with pride throughout his lifetime.

During law school, Philip worked as a law clerk in Ramsey County District Court first for the Honorable Archie Gingold, then for the Honorable Harold W. Schultz. In 1981 Philip left Judge Schultz and went to work as a law clerk for the newly appointed District Court Judge, Gordon Schumacher. I replaced Philip as law clerk for the Honorable Harold W. Schultz. Philip trained me in as a law clerk and he did a very good job. Not only did Philip help new law clerks learning their way around the courthouse, but he was also very knowledgeable about where the cheapest and best happy hours were in downtown St. Paul

Philip spent many years as a solo practitioner in St. Paul practicing in the areas of worker's compensation and personal injury. He spent ten years as an associate attorney at Dudley and Smith, in St. Paul. Philip then practiced as a senior trial attorney at the Law Offices of Joseph M. Stocco, representing CNA and its insureds in the defense worker's compensation claims in Minnesota and Wisconsin. In July of 1998 Philip married Kristi Oathaudt in Glacier Park, Montana. Together they built their dream home in rural Hudson, Wisconsin where they lived with their two cats. They loved to golf and travel and Philip particularly loved working in and around his yard at home.

Before Philip took up golf, he played softball for almost 20 years on a team named the "Sliders." Originally the team played in a William Mitchell College of Law softball league that was co-ed. At that time co-ed meant eight men and two women. I had the pleasure of playing on that softball team with the Sliders for a couple of years, before they moved on to St. Paul Rec Leagues. What I will say about the Sliders and Philip in particular is that they all turned out to be much better lawyers than they were softball players.

Philip will be remembered as a good lawyer who loved being in the courtroom. He had a quick wit, dry sense of humor and infectious laugh. Philip retired from the practice of law in 2008 because of health issues. He was still able to golf, fish and volunteer at the Phipps Center for the Arts in Hudson, Wisconsin.

Philip died on September 6, 2011 at the age of 58. He is survived by his wife

. . .PHILIP C. WARNER cont'd

Kristi, his daughter Melissa Gilbertson, her husband Jody and their children Jordan and Haley, two sons Sam and John, parents Paul and Mary Warner, brother, (my husband) Peter and our children Libby and Ellie. Philip was preceded in death by his sister Anne. Philip, you left us too soon. May you rest in peace.

Respectfully submitted,

The Honorable Teresa R. Warner, Peter Warner, and Kristi Warner