

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 19, 2013

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

Two o'clock

*"The best and most beautiful things in the world  
cannot be seen, nor touched, but are felt in the heart."*

*-Helen Keller*

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 2013.

**IN MEMORY OF**

Austin J. Baillon  
Paul W. Bergstrom  
Shirley I. Chase  
Thomas M. Conlin  
Jonathan D. Cran  
Hon. Nancy C. Dreher  
David E. Essling  
Mark A. Flahavan  
Robert A. Gearin  
Michael J. Healey  
James F. Hogg  
Alois D. Kennedy, Jr.  
Charles H. Luther  
Malcolm D. MacGregor  
Patrick J. McPartland  
John R. O'Brien  
Hon. Robert J. Sheran  
David W. Thurston

## **Austin J. Baillon**

June 22, 1927 - December 27, 2012

Austin J. Baillon, known by most as "John," was born in Duluth, Minnesota and later moved to St. Paul with his parents and three siblings when his father received a job transfer to the Twin Cities. John grew up in the Summit Hill area and attended St. Luke's grade school, St. Thomas Academy and St. Paul Academy. He served in the U.S. Coast Guard and then enrolled at the University of Minnesota where he graduated in 1950 with a Bachelor of Arts degree in history.

Seeking to expand his career options, John decided to go to law school. He attended night classes at the St. Paul College of Law and worked during the day as a claims adjuster for Minnesota Mutual Life Insurance Company. In 1954, John graduated from the St. Paul College of Law, now known as William Mitchell College of Law, and was admitted to the Bar.

Although Minnesota Mutual offered John a full time position in their legal department, he declined because he somehow knew he wanted to start his own real estate business. This came as quite a surprise to his parents. However, John was fortunate to have a number of mentors throughout his life; and at the suggestion of his father and his uncle, John sought to gain some practical experience by first working in an established real estate firm before starting up his own business. John was hired by the F.M and E.V. Dolan Realtor and Appraisal Company, and he immediately immersed himself in learning all aspects of the real estate business. This experience confirmed his calling, and two years later he was ready to strike out on his own. In 1956, John founded Baillon Company in St. Paul and thereafter enjoyed a long career in real estate.

John often remarked that it was his legal education that opened up so many opportunities for him. As a lawyer, he knew how to gather the facts, identify issues, apply the law, assess possible outcomes, solve problems and think things through in a logical manner. His legal training also provided him a working knowledge across a broad range of subjects such as real property, contracts, business entities, estate planning, income tax and insurance. In the context of real estate, these skills enabled John to work through the details but also see the big picture at the same time.

Although John applied his strong work ethic to building his business, he also made time to pursue his other interests such as fly-fishing, hunting and tennis. In 1958, John married Caroline Myers. They enjoyed 54 years of marriage, and together raised six children. Three of John and Caroline's children and two of their sons-in-law are lawyers. In due time, John and Caroline also became grandparents to thirteen grandchildren.

Over the years, John served on several boards, including the William Mitchell

...AUSTIN J. BAILLON cont'd

College of Law Board of Trustees, the Grotto Foundation, the Society of Real Estate Appraisers, the St. Paul Board of Realtors and the Minnesota Club. During his career he was also an active member in the Minnesota State Bar Association, the Ramsey County Bar Association, the St. Paul Athletic Club and the St. Paul Building & Managers Association.

Respectfully submitted,  
Frances E. Baillon

## **Paul W. Bergstrom**

December 9, 1948 - December 14, 2012

Paul Bergstrom left this earth on Friday, December 14, 2012. He left a legacy of humor, intelligence, respect, and an encyclopedic knowledge of all subjects, especially music.

Paul was born in Minneapolis on December 9, 1948, to Donna and William Bergstrom, and spent most of his adult life "across the river" in his beloved city of Saint Paul. At a young age, Paul joined the US Navy and served heroically as a combat veteran and trained medic in Vietnam, reflecting the course of his later life in his dedicated focus on helping others at the most vulnerable times of life. The friendships he formed with his fellow Vietnam veterans lasted throughout his lifetime.

Paul returned to Minnesota and used the GI Bill to attend the University of Minnesota. Ever the learner and traveler, he moved to France and lived there while attending medical school. Ultimately, Paul returned to St. Paul and attended William Mitchell Law School. Ever the Renaissance man, Paul worked a myriad of jobs: driving taxi, performing autopsies, delivering babies, and as a DJ for an oldies radio station, which enhanced his passion for many styles of music and late night conversations with people from all walks of life.

As a lawyer, Paul worked for decades as a personal injury attorney, helping scores of individuals find compensation and resolution for tragedies that befell their lives. Paul then reinvented his career by focusing his advocacy skills on families; first, as a guardian ad litem, then as a family law mediator, next as a lawyer for the Ramsey County Guardian Ad Litem program, and lastly, as a Judicial Referee for the Ramsey County family court. It was in this final professional role that Paul's compassion, skill and deep caring for people in points of conflict and crisis was most clearly displayed. His consistent demonstration of respect and equal treatment for everyone, was a remarkable trait that endeared him to so many with whom he worked and who appeared in his courtroom.

Paul liberally gave back to the community serving on the boards of Minnesota Assistance Council for Veterans and CASA.

Despite being denied the ability to grow old with his wife and soulmate, Katie, Paul filled his 64 years with more than a lifetime of love, travel, experiences and friendship. Paul loved constant education, and had a keenly inquisitive mind, amazing memory, and an endless supply of dry humor. He liberally shared all of that with Katie, and the loves of his life, his four children: Adam, Max, Henry and Nora.

Respectfully submitted,  
Katie Bergstrom

## **Shirley I. Chase**

October 16, 1955 - October 2, 2012

Shirley I. Chase died on October 2, 2012 at the age of 56. She married her husband, Tim Byrne, in 1984. She had a passion for travel and, in fact, she and her husband travelled to 122 countries before she died. Shirley graduated from St. Louis Park High School, the University of Minnesota and then William Mitchell College of Law. She owned Chase Law and was a successful corporate attorney. She also concentrated on employment law in her own firm.

She was best friends with Terry Ventura, wife of former Governor Jesse Ventura, from grade school on. In fact, she was with Terry when Terry first met Jesse Ventura. Shirley led Governor Jesse Ventura's government transition team and was a Commissioner of the Minnesota Department of Labor and Industry for the last one and a half years of Governor Ventura's administration.

Shirley is survived by her husband Tim Byrne, her mother Sedelia Chase of Plymouth, her sister Audrey Chase, Brother Larry Chase (Kim), and brothers and sisters in law; Sharon, Mary, Tom, Peggy, Pat (Rachel Blank) Rose (Mark Leutgeb), Kris and many nieces and nephews. She was preceded in death by her father, Melvin Chase and brothers in law Mike and Joe.

She is missed by her family and friends.

Respectfully submitted,  
Christine Stroemer

## **Thomas M. Conlin**

July 23, 1930 - September 23, 2012

Thomas M. Conlin died on September 23, 2012, at the age of 82. He was born on July 23, 1930 in Mankato, Minnesota. He graduated from Mankato State Teachers College (Minnesota State, Mankato). During the Korean Conflict he served in the Army Counter Intelligence Corps in Washington, DC during the McCarthy hearings. He was inspired by the dignity of the defense attorneys involved.

He dated Jane DeMuth, a nursing student who was also from Mankato. In 1955, they married in Mankato and they moved to St. Paul where they shared 57 years together. He credits a Mankato connection, Robert Sheran (later Supreme Court Justice) for introducing him to clerk for Charlie and Bill Murnane. He graduated from St. Paul College of Law (William Mitchell College of Law) in 1958.

Tom had a glorious 43 year career as a trial lawyer at the St. Paul law firm of Murnane, Conlin, White and Brandt (Murnane Brandt) trying well over 150 jury trials. He handled all types of litigation including; insurance defense, personal injury, medical and legal malpractice, mass torts and business. For Tom, litigation was not always the solution. In 1974 his oldest son sustained a severe eye injury playing hockey. Rather than bring a lawsuit, he and his friend Governor Wendell Anderson, took action to force the High School League to require face-masks for all youth hockey players. It saved countless facial injuries.

He was a natural leader and was active in the following organizations: American Board of Trial Advocates (ABOTA), Charter Member of the Minnesota Chapter and National Board Member, American College of Trial Lawyers, Minnesota Defense Lawyers, The Supreme Court Judicial Council, Ramsey County Bar (past president 1977), MN State Bar, and St. Paul Winter Carnival Chairman, among others. He often brought about significant changes within these organizations.

In 1968, Tom and Jane built a home in North Oaks where they raised 6 children and helped them all through college. They are: John (Nancy), Katie (Bill) Dewitt, Sheila (Mark) Conlin-Brandenburg, Patrick (Patti), Carrie (Marty) Kottke, and Bill (Sarah). He is survived by 13 grandchildren; Thomas, Courtney, Patrick, Annie, Daniel, Sarah, Michael, Clara, Shawn, Ben, Nick, Will, and Johnny.

He served on the boards of William Mitchell, Minnesota State/Mankato, Habitat for Humanity, and the Home of the Good Shepherd. He received the Warren E. Burger Distinguished Alumni Award from William Mitchell. There is a scholarship named after him at William Mitchell. He loved to mentor law students and young lawyers and taught trial advocacy until months before his passing. He always insisted on professionalism and civility in the practice of law.

. . . THOMAS M. CONLIN cont'd

Tom was an accomplished all-around athlete and was inducted into the Minnesota State Athletic Hall of Fame in basketball, baseball, and golf. He and Jane were long-time members at the North Oaks Golf Club and treasured their many friends there.

His favorite avocation was connecting people. His gift was based on his insatiable interest in other people. He made others feel special and important. At times, it was mind boggling. One time some neighbors were traveling on the East coast. Their car broke down and an attorney happened by to help. He saw the Minnesota plates and asked them if they knew Tom Conlin. Of course they were stunned.

He had a wonderful smile, adventurous spirit, and a self-deprecating sense of humor. He was a family man who enjoyed supporting his children and grandchildren in all their sports, careers, and activities. He genuinely loved life and lived it fully. The family was honored to return his unconditional love and care for him at home in his final days. During his long illness with cancer, he was sustained by his faith in God and a positive mental attitude.

He is missed by the Sweet Old Boys (SOBS), Golf Addicts, Young Men's Downtown Assoc. (YMDA) ski group, poker club, couples bridge, prayer group, and daily mass at St. Mary's of the Lake Catholic Church.

He is greatly missed by his family, his law firm, and the legal profession.

Respectfully submitted,  
Patrick M. Conlin

## **Jonathan D. Cran**

May 8, 1965 - July 6, 2012

Jonathan D. Cran was a gifted person and a talented attorney who died far too young.

Jon was born on May 8, 1965, in Duluth. He attended elementary school in Brainerd and Cloquet, and graduated from Cloquet Senior High School as a member of the class of 1983.

Jon went on to distinguish himself academically. He attended St. John's University in Collegeville, where he graduated cum laude with a Bachelor of Science degree in accounting in 1987. He then attended the University of Minnesota Law School in Minneapolis, from which he also graduated cum laude, earning his Juris Doctor in 1990.

While he was still in law school, Jon worked as a summer associate with Winthrop & Weinstine, P.A. in St. Paul. Following his graduation from the law school, he joined Winthrop & Weinstine as an associate and was admitted to the Minnesota bar on October 1, 1991.

As colleagues of Jon in his early practicing years, we remember Jon brought a thoughtfulness, intelligence and diligence that differentiated his work and outcomes from those of others. He was always willing to contribute and support whatever needed attention and resolution, and did so without condition. Perhaps most memorably, as talented and hard-working as Jon was, he was a great friend to those of us with whom he worked, bringing humor, intensity and camaraderie to our work days.

Jon subsequently practiced law on his own, providing legal services in a variety of areas, including franchise law, succession and estate planning, family foundations and nonprofits, general business law, mergers and acquisitions, landlord and tenant matters, and real estate. Jon was a member of the Hennepin and Ramsey County Bar Associations, the Minnesota State Bar Association and the American Bar Association.

Jon also was a volunteer attorney for MAP for Nonprofits, and a board member of Assistive Technology of Minnesota, which is a nonprofit organization that provides access to life-changing equipment for people with disabilities.

Jon was a hockey player who was a regular participant in the annual Lawyers on Ice event at the Xcel Energy Center to raise funds for Southern Minnesota Regional Legal Services. Jon was also a hockey coach for the North Metro Youth Hockey Association.

Jon was the proud father of three children, Benjamin (13), Alexandra (9) and

...JONATHAN D. CRAN cont'd

Gabriel (6).

Jon died at age 47 on July 6, 2012. In addition to his three children, Jon is survived by his parents, Gerald and Beverly; his brother, David; and many aunts, uncles, cousins and friends.

Respectfully Submitted,

Thomas Boyd, David Kristal, Craig Brandt, Karl Weber and Alok Vidyarthi

## **The Honorable Nancy C. Dreher**

September 30, 1942 - November 23, 2012

The Honorable Nancy Carol Dreher, United States Bankruptcy Judge for the District of Minnesota, passed away at her home in Edina on November 23, 2012. She left a large legacy in the practice of law, judicature, scholarship, and education.

A native of Racine, Wisconsin, the daughter of a photographer and a housewife, Nancy Carol Simonsen showed herself to be a leader early and again and again. She graduated first in her high school class. She was a highly-ranked political science major at the University of Wisconsin-Madison. As one of only three women in the class of 1967 at the Law School of the University of Wisconsin, she was a magna cum laude graduate and the first in her class. After a one-year clerkship with Chief Justice Roger Traynor of the California Supreme Court, she started an 18-year practice at Leonard, Street and Deinard in Minneapolis. She early became a partner at Leonard, Street and she worked hard as an accomplished and formidable commercial litigator.

On January 25, 1988, Nancy Dreher was appointed as a United States Bankruptcy Judge for the District of Minnesota. She was the second woman to hold that position in our district. Though not previously familiar with the substantive matter of her new undertaking, she rapidly mastered its complicated and counterintuitive details.

Over a tenure of nearly 25 years on the bankruptcy bench, Judge Dreher was an able trial judge. She made a deserved reputation for being tough but always fair. She served as chief judge of her court from late 2007 until early 2011. She was an appellate jurist as well, serving as a member of the Bankruptcy Appellate Panel for the Eighth Circuit from its founding in 1996 until 2005.

Judge Dreher participated in a wide array of committees and projects for the advancement of the legal profession and the improvement of bankruptcy practice. On appointment from the Chief Justice, she served a term as the bankruptcy judge representative on the Judicial Resources Committee of the Judicial Conference of the United States. She was a long-term member of the Bankruptcy Judges' Education Committee for the Federal Judicial Center. She was active on several major committees of the Minnesota State Bar Association, including the Glass Ceiling Task Force. She was deeply involved in the Bankruptcy Section of the Minnesota State Bar Association, playing a key role in the founding of its Pro Bono Committee in 1995 and the later development of its nationally-recognized programs for volunteer attorney service in bankruptcy. She was also active in the American Bar Association and served in its House of Delegates.

Judge Dreher taught at William Mitchell College of Law and the University of

... HON. NANCY C. DREHER cont'd

Minnesota Law School as an adjunct professor. She served a four-year term as Editor in Chief of the American Bankruptcy Law Journal. She and colleague Judge Joan Feeney of the District of Massachusetts completely rewrote the Bankruptcy Practice Manual (Thomson West). She was a Fellow of the American College of Bankruptcy and served on its Boards of Regents and Directors.

In the early 2000s, Judge Dreher contracted a destructive pulmonary infection of unknown origin. The ultimate result was her receipt of a double lung transplant in mid-2004. It was proof of her remarkable will that she returned to active judicial duty later that year, eager to get back to work. She had nearly eight years of vigorous life and service after that, filled with accomplishments as noteworthy as her earlier ones and marked by her constant drive and zest.

Judge Dreher is survived by her husband Roger, whom she married after her first year in law school. The Drehers shared over four decades together, in the building of careers and a family, travel, and the maintenance of a beloved second home in northwestern Wisconsin. Their two children, David and Laura, gave them five grandchildren whom Judge Dreher treasured.

Judge Dreher left literally hundreds of us who worked with her in the legal system and in our profession. It was always an intense experience, from which we always learned much. She was a true pioneer in the modern entry of women into the legal profession. We honor her great achievements, and we miss her.

Respectfully Submitted,  
Hon. Gregory F. Kishel

## **David E. Essling**

December 9, 1943 - November 1, 2012

St. Paul attorney David Essling died November 1, 2012, at the age of 68. He was born on December 9, 1943 in Duluth, Minnesota. In the late 1940's, he moved to St. Paul, Minnesota where his father William Essling began his legal career as a prosecutor for the U.S. Attorney's office. After attending St. Mark's grade school, David attended Immaculate Heart of Mary and then Cretin High School.

While David was young, he enjoyed trips to the Boundary Waters and to the family cabin on Namakan Lake where he and his father, brothers and friends enjoyed canoeing, hunting and fishing. Later, David and his father represented landowners in the Voyagers National Park in eminent domain and other cases. In the early 1960's, David attended Notre Dame, majoring in English and making friends from across the county. After college, he enlisted in the National Guard, doing active duty in South Carolina, Fort Jackson for sixth months and then serving in the reserves for five and a half years. While serving in the reserves, David attended the University of Minnesota Law School and worked for the Minnesota Public Defender, C. Paul Jones, interviewing prisoners and writing appellate briefs. After graduating from Law School, he clerked for Federal District Court Judge Miles Lord.

In 1970, David joined his father and other accomplished lawyers in private practice in St. Paul. While in private practice, he tried civil and criminal cases in state and federal courts. He also handled probate, real estate, business and other legal matters. After serving on the Federal Defense Panel for ten years, he served on the Ramsey County Commitment Defense Panel for 30 years, representing the mentally and chemically dependent. David always maintained his good nature and practiced law vigorously despite serious medical problems, including bouts of dialysis and two kidney transplants: one from his sister and another from his brother. Remarkably, he never complained.

His nephew Mark Essling later joined the Essling law office and described David as the "voice of reason in the office." He was the lawyer that the other lawyers went to when they needed an answer or some good advice.

David loved hunting, fishing and numerous sports. He also maintained good friendships and was an excellent writer with a nice self-deprecating sense of humor that friends and family will never forget. David's main interest in life was his family, and he was able to spend the last days of his life in close touch with them.

Respectfully Submitted,  
Jennifer Ciresi

## **Mark A. Flahavan**

June 15, 1933 - October 31, 2012

Mark Flahavan grew up in south Minneapolis. He was one of 7 children; his father, Joseph Flahavan, was a lawyer. After graduating from Nazareth Hall, a Catholic preparatory academy, he entered a seminary to train for the priesthood. However, after the first semester at the seminary, he changed course and enrolled at St. Thomas College where he earned his bachelor's degree with a major in social work.

Following his graduation, Mark became a probation officer for Ramsey County, working with troubled youth at Totem Town, a correctional program of the county. He had to take leave of employment when he was required to enter the military for two years, serving in the Army in South Korea with the U.S. occupational forces. After completing his military service, Mark resumed his work as a probation officer, but he soon left that job to enroll in the night school at the William Mitchell College of Law. While in law school he worked as a claims adjuster. At the beginning of his second year of law school he met Judie Martens whom he married in 1961. He graduated from law school in 1963 and was admitted to the bar in October of 1963.

As an attorney, Mark first worked for the Attorney General doing condemnations for the Minnesota Highway Dept. and was primarily engaged in condemnation actions involving the construction of 35W. He then worked in private practice for Thuet & Todd in South St. Paul, and then, for Meier Kennedy & Quinn in St. Paul. After a couple of years in private practice he became an assistant city attorney in the Minneapolis City Attorney's Office where he was employed for over 20 years.

Mark spent most of his career as an assistant city attorney in the Civil Division where he represented the City in many significant lawsuits, including the defense of police officers, civil rights cases, and many personal injury lawsuits. He was counsel to the Minneapolis Charter Commission and advised city officers, departments and committees. For a few years prior to his retirement from the City he was a prosecutor in the Criminal Division of the City Attorneys Office.

When Mark first joined the City Attorney staff, he and I shared an office in the Minneapolis City Hall. Mark was a very diligent and thorough attorney and was highly respected by his colleagues, opposing counsel and judges. He was especially regarded as having very high ethical standards. I consulted Mark on many occasions because of his knowledge of procedure and other aspects of legal practice. He was a trustworthy confidant and a good friend. Although he usually displayed a serious demeanor, he was a good companion to share a story and a laugh with over lunch or a beer after work.

. . .MARK A. FLAHAVAN cont'd

Mark was a devoted husband to Judy for 51 years and was devoted to his family. He was an involved parent. For example, I recall Mark telling me about coaching his son's team in t-ball. He also had several other pastimes and interests. For many years he was an active member and participant in Toastmasters. He spent some of his free time taking classes in small engine repairs and also enjoyed doing some of his own auto repairs. He was interested in history and enjoyed reading in that field.

It was important to Mark to be of service to his community. He volunteered his time teaching English literacy to persons referred to him by a Hmong immigrant organization. After Mark's retirement from his employment with the City, he volunteered for many years as an attorney for Southern Minnesota Legal Services, providing legal services to persons lacking in financial means.

In addition to his wife Judie, Mark is survived by his children, Katie, Joe, and Margaret Welch, grandchildren, Jake and Zach Ricciardi, sister, Mollie Landrigan and brother, Ed Flahavan. He was preceded in death by parents, Joe and Hallie; sisters Kathleen, Anne Abbott and Ruth(Fran) Phillips; and brother, Fr. Bob Flahavan, S.J.

Respectfully submitted,  
Larry Cooperman

## **Robert A. Gearin**

May 31, 1923 - April, 26, 2012

Robert A. Gearin passed away in Saint Paul at age 88. He is survived by his beloved wife of 67 years, Eileen. Their children are Mark, John and Mary, 5 grandchildren and 3 great grandchildren. Bob attended Cretin and Eileen attended St. Joseph's Academy.

After graduating from Cretin in 1941 he went to work for St. Paul Fire and Marine in the office. After a short time he enlisted in the army, attended officers' candidate school and was commissioned a second lieutenant in 1944. While he was in service he played with the Fort Sam Houston band as the drummer. The band became so good that they became the official U.S. Army band. While stationed there he played backup drummer for Artie Shaw when he was in town. After finishing his active duty commitment, a retired colonel from Minnesota called him and offered to help him get his college education at the University of Wyoming if he would come and work at his sporting goods store. He and Eileen moved to Wyoming where he attended engineering school.

He had wanted to become a lawyer, and so they moved back to Minnesota and he attended the University law school. Six months from graduating he was recalled to active duty in the Korean conflict. He pleaded with the army to let him finish law school and he could then serve as a judge advocate general. The army said they need infantry officers worse, so he had to quit school and was shipped to Korea where he served in combat as a platoon leader. Part of his platoon was ambushed by the North Koreans and cut off from the platoon. He organized a rescue team and they fought through the enemy forces and returned the men to safety. For this he was awarded the bronze star with valor.

When his tour of duty was over he returned to Saint Paul and finished law school. It was during this period that he joined forces with fellow law student Paul Ruhr to form the electronics company known as Robert Paul TV. He later worked for a company placing law school graduates when he was offered a job by Saint Paul attorney Roland Oliver. He practiced with Roland in the First Bank Building. The firm grew into Oliver, Gearin, Price and Melzarek, and finally Jensen.

Bob was very successful as a lawyer, and enjoyed the respect of his colleagues. He was very practical and served his clients and the profession well. If you were to ask him for advice on a case he would be able to cut through the chaff and arrive at a good solution in a very short time. He was indeed the lawyer's lawyer. His approach to matters was very practical. He did not handle trial litigation much, but he did represent the city of St. Paul Park for years. When he confronted a difficult problem with a case or client he would go to their lake cabin in Wisconsin and shut himself up to work on the problem. At one time he did represent a client in a case that he inherited that was on track for an

... **ROBERT A. GEARIN** cont'd

appeal to the U.S. Supreme Court. He filed a writ of Certiorari, and appeared for the presentation of the writ, but the Supreme Court denied it, so he didn't really appear before the court.

In many ways, more than the practice of law, he gave to the community. Most notably of them, he was for two years the twin city fundraising chairman for the Multiple Sclerosis Society.

His sports passion was golf. For those of us who played with him, we found his drives were consistently down the middle of the fairway. He earned the title of "Fairway Bob".

Mr. Gearin enjoyed the distinction of a fine legal mind, and possessed a gentle sense of subtle humor. He was indeed a lawyer's lawyer. If he could be described in just one word, that one word would be "Gentleman".

Respectfully submitted,  
Russell J. Jensen, James F. Shiely, and John Gearin

## **Michael J. Healey**

June 29, 1937 - December 23, 2012

Michael grew up in North Minneapolis with his father Lawrence, mother Lola, brother Billy and sisters Judy and Joann. He attended De LaSalle High School in the 1950s and worked at the Red Owl store to help pay his way through. He went on to the University of Minnesota and then served in the U.S. Army while attending William Mitchell College of Law where he graduated in 1965.

In the early '60s, he met Judith Koll and was married to Judith in '64. Judith and Michael had four boys, Sean, Paul, Michael and Colin and many happy times on Fremont Avenue in South Minneapolis.

He spent his early days as an attorney with Jardine, Logan and O'Brien but after several years, realized he wanted to run his own practice, which he did for most of the next 30 years in St. Paul. He had a keen interest in attorney ethics and served on what we think was known at that time as the Lawyer's Ethics Committee. He practiced primarily in the area of workers compensation and personal injury.

Among Michael's many passions was a desire and determination to voice his curiosity. On February 17, 1964, he wrote a six page letter to Pope Paul VI in Vatican City. He voiced serious concerns about some of the church's practices at that time including racial and economic inequality. After opening his letter with a brief introduction, he informed his Holiness, in a manner I know all lawyers will appreciate: "I do not know if I have the right to object. On the other hand, I have never expressly been told I could not."

In October of 1980 Michael realized, with the help and wisdom of his wonderful wife Judith, that he was an alcoholic. He became sober at that time and remained so until his death. He understood that some battles in life are best not fought alone and so he attended his weekly AA meetings on most Mondays for the remainder of his life. He encouraged and offered advice to other persons seeking sobriety and I think always sought to learn about sobriety and serenity from others by way of sharing.

Michael loved his family and friends, the law, politics, sports, art, music and theatre. He enjoyed being a fan of the Vikings, the Twins, the North Stars, the Timberwolves and the Golden Gophers.

In 2000, Michael was diagnosed with Parkinson's Disease and later re-diagnosed with Lewy Body Dementia, which he battled courageously until his death this past December. He was cared for in the final three years of life by some wonderful persons at the Minnesota Veteran's Home in Minneapolis.

On the day of his death, Michael was surrounded by family and life long friends Paul Mohrbacher and Ruth Murphy. Mohrbacher is a former priest and lead the family in an old Christian prayer based on a belief that when we die, we become angels. We each recalled various roles we had seen Michael play in his life,

. . .MICHAEL J. HEALEY cont'd

Michael the husband, Michael the traveler, Michael the lawyer, Michael the ice cream lover, Michael the father, Michael the actor, with each title recalling some memory that he had left with us. At the end of the prayer, Michael James Healey sighed a heroic sigh and left us. I am quite certain that dad was saying "good-bye, I love you all and thank you for all the memories."

He was preceded in death by his parents Lawrence and Lola Healey. He is survived by his wife Judith, his sons Sean, Paul, Michael and Colin and their wives, Kim, Becky, Karina and Rosa, his brother Billy, and sisters Joann and Judy. He is also survived by his grandchildren Cole and Sophie, Finn, Frank and Bea, Harriet and Lucille, and Eva and Ana.

Michael James Healey, we miss you deeply and will carry the hope that we may some day be reunited in heaven for more happy times.

Respectfully submitted,  
Michael B. Healey, Attorney at Law

## **James F. Hogg**

August 29, 1929 - January 8, 2013

Professor Jim Hogg died on January 8, 2013, at the age of 83. He was born in Eastbourne, New Zealand on August 29, 1929, and grew up in Wellington. He studied law at the University of New Zealand, where he earned a bachelor's degree, a bachelor of laws degree, and two master of laws degrees. Leaving New Zealand, he came to the United States on a Rotary Scholarship and continued his studies at Harvard Law School, where he earned a doctor of juridical science degree.

Jim taught law at the University of Minnesota law school from 1956-1970. He was also a visiting professor of law at Columbia University, the University of Chicago and the U.S. Naval War College. In 1971, he went into private practice and became a partner at Oppenheimer, Wolff and Donnelly. Later, he became Associate General Counsel at Control Data. In 1985, Jim was appointed President and Dean of William Mitchell College of Law, serving for ten years. After stepping down as Dean, Jim stayed on as a professor at Mitchell, except for a two-year stint as Dean at Western State College of Law in California.

Jim and his wife of 42 years, Gail, collectively had 7 children: Delene Lambert, Bill Hogg, Jennifer Lick, Leslie Pritchett, Alan Hogg, Andy Pugh, and Peter Hogg. In addition to his wife and children, Jim is survived by eleven grandchildren - Sarah, Michael, and Margaret Lick, Thomas and James Pritchett, Madeline and Sarah Hogg, Griffith and Lillian Pugh, and William and Lydia Hogg.

Jim was a true renaissance man. Throughout his long life he enjoyed skiing, woodworking, playing the bagpipes, and traveling all over the world. He embraced his family and all of his hobbies, but the central passion in his life was his love of teaching and the law.

Jim never retired. Until the time of his death, he continued teaching a full course load at William Mitchell, embracing new technology while ushering in yet another new generation of lawyers. He graded his last set of law school exams several days before he died.

Jim will be remembered as an energetic and engaging teacher and scholar, and a wonderful friend, husband, father, and grandfather. He will be missed, but his legacy lives on in his progeny and in the thousands of students' lives he touched over the years.

Respectfully submitted,  
Raymond W. Faricy III

## **Alois D. Kennedy, Jr.**

January 24, 1926 - December 21, 2012

Alois D. Kennedy, Jr., whose life was marked by his being a loving husband, devoted father, loving brother and uncle, and good friend to many, died on December 21, 2012, in Naples, Florida, at the age of 86. Born in Saint Paul, Minnesota on January 24, 1926, the son of Alois D. Kennedy and Marion C. Kennedy, he attended Nativity of Our Lord Grade School and Cretin High School in Saint Paul. He graduated from Northwestern University in Illinois while serving in the U.S. Navy during World War II and then received his law degree from St. Paul College of Law in 1950.

After practicing for two years with the firm of Hoffman, Donahue, Graff and Meier, Al Kennedy, along with Bill Meier, in 1952, opened an office for the general practice of law under the firm name of Meier and Kennedy. That same year, they were joined by Timothy P. Quinn, in a partnership for the practice of law which became Meier, Kennedy & Quinn. The firm built a loyal following of clients, including individuals, businesses, professional associations, non-profit entities, and churches. The firm of Meier, Kennedy and Quinn continues the legacy of the work of its founders to this day.

Shortly after he began the practice of law, Al was sued for defamation by a woman who claimed to be the wife of a man for whom Al had been appointed guardian. During a hearing on the matter, Al had referred to the woman as an "adulteress."

The defamation claim against Al worked its way all the way up to the Minnesota Supreme Court. The Court ruled in *Matthis v. Kennedy* that Al could not be sued and established law that a statement made by an attorney in the course of a judicial proceeding was absolutely privileged and would not support an action for defamation. This ruling has protected attorneys from such claims ever since.

Al Kennedy enjoyed the camaraderie of legal practice in Saint Paul in the 50's, 60's, and 70's when agreements were bound with a handshake and disputes could be settled over lunch or after a game of handball at the Athletic Club. Al was a member of both the Athletic Club and the Minnesota Club in Saint Paul and enjoyed meeting clients and fellow attorneys for lunch at these locations especially after moving the law firm to the Minnesota Building in 1970.

Al Kennedy married his sweetheart, Virginia Brand, in 1948 and his true legacy will be that of his generosity in caring for his wife and family of nine children. His strong work ethic and his ability to help others will always be remembered by his former friends and colleagues.

Bill Meier passed away in 1981, and shortly after Tim Quinn passed in 1991, Al retired from the firm and he and his wife, Virginia, moved to Naples, Florida. He and Virginia were married for 63 years before her death on July 2, 2011.

...ALOIS D. KENNEDY cont'd

Al Kennedy was a leader, mentor and respected member of the Bar and his work for and on behalf of his many clients will be long remembered. He was honored at a memorial Mass celebrated by his son, Rev. Patrick A. Kennedy, at the Church of Pax Christi on December 29th, which was attended by Archbishop Harry Flynn, many priests, lawyers, colleagues, friends, and family including his surviving children and many of his 20 grandchildren and 13 great-grandchildren.

Respectfully submitted,  
Laurence R. Kennedy  
Andrew J. Eisenzimmer  
Leo H. Dehler

## **Charles H. Luther**

August 22, 1918 - December 13, 2012

Charles Hamilton Luther was a native Minnesotan. Ham was a graduate of Blake School, attended Harvard University, and received his law degree from the University of Minnesota in 1943. Ham served as in-house legal counsel for Minneapolis Honeywell for more than 20 years. He spent the second half of his legal career as a Deputy Attorney General for the State of Minnesota where he retired in 1984.

Ham enjoyed travel and he and his wife Ann had many wonderful trips together. Ham also loved sports: he was an avid tennis player, sailor, and enjoyed golf in his later years.

Ham is survived by his wife, Ann Tousley Luther, his children Charlie Luther, Mark Luther, and Sara Luther, his step-children Herb Tousley, Rick Tousley, and Sue Tousley Keswani, and his many grandchildren and great grandchildren.

Ham's final act of compassion and generosity was the donation of his body to the University of Minnesota Anatomy Bequest Program.

Respectfully submitted,  
The Family of Charles Hamilton Luther

## **Malcolm D. MacGregor**

March 22, 1944 - January 17, 2012

Malcolm MacGregor was my law school classmate, long-time partner, and wonderful friend. Malcolm was a true local boy. He grew up living adjacent to the U's St. Paul Campus experimental farm fields. His father was a professor on the Farm Campus. Malcolm attended the U, played on the U golf team, and went on to the U Law School. When he and Margaret found their only family home, it was located about 100 yards south of the Farm Campus.

Malcolm was a rarity among lawyers these days because he was a "generalist" practicing in many areas. Our firm is primarily composed of litigators, and so all of us depended upon Malcolm for expertise in all those fields we knew nothing about, such as trusts and estates, probate, mechanic's liens, family law, and on and on. Not only was Malcolm able to grasp and keep up with all the nuances and new events in each of the various fields, but he did it with extreme professionalism. We always thought that if there was a loose detail in any particular matter, that detail was in imminent danger, because Malcolm would "beat it to death."

Malcolm had an amazing ability to conquer and retain facts. Who knew Cecil Isbell (Purdue 1948) was the quarterback that threw to Don Hudson for the Green Bay Packers? If we needed a phone number we didn't look in the telephone book, we just shouted down the hall and asked Malcolm what it was and, of course, he could tell us immediately.

His wonderful sense of humor and his compassion made him a favorite with clients. Malcolm was the sort who, if an elderly widow called him with questions or concerns about who of her heirs should get what and how much from her quite small estate, would listen patiently and then, sensing that she was in frail health, drive out to New Brighton to meet with her personally, and eventually bill her \$400 for 20 hours work.

The modern day practice of law results in few, if any, lawyers practicing as Malcolm did. Our firm and the general public are at a loss for this.

Respectfully Submitted,  
Mark M. Nolan

## **Patrick J. McPartland**

October 16, 1935 - March 11, 2012

Patrick McPartland died unexpectedly at age 76 on March 11, 2012. A devout Catholic, Pat passed away after suffering a heart attack at Sunday mass at his beloved St. Richard's Catholic Church in Richfield, where he had been a member of the parish for nearly 50 years.

Pat was born in Minneapolis in 1936. He was the youngest of four children born to full-blooded Irish parents. He grew up in South Minneapolis and went to Washburn High School where he played baseball. After graduating from Washburn, Pat attended the University of Minnesota where he enjoyed following Gopher football and other sports. He then went to law school at the University of Minnesota.

While still in law school, Pat worked at the Minnesota Attorney General's Office. After passing the bar exam, he took a job there as an Assistant Attorney General and worked several years under then Attorney General Walter Mondale. Pat was then hired by the Soo Line Railroad to work as in-house counsel for the railroad.

Pat spent the rest of his career-nearly 40 years-working in the general counsel's office of the Soo Line / Canadian Pacific Railroad. Early in his career, he represented the railroad in injury and other civil cases. He tried cases and later moved into a role managing claims and supervising outside counsel. To say that Pat loved the railroad is an understatement. He spoke with great pride about the role railroads played in the settling and growth of the United States. He never met a "railroad man" he didn't like.

Pat was a great sports fan and loved watching hockey, football, baseball, golf, and supported our Minnesota teams. Pat and his wife Liz had three children. He coached his son in youth hockey in Bloomington and 30 years later was still a favorite coach of many of his players. He also devoted much time and effort to his daughters' figure skating. He was one of the founders of the Figure Skating Club of Bloomington. He also volunteered as announcer for figure skating shows and competitions and taught himself how to skate and ultimately ice dance with his wife Liz.

People who knew Pat describe him as quick with a smile, joke, or word of encouragement. He loved telling stories and jokes about anything related to the Irish or the Catholic church. He never passed up a chance to meet a priest or place a wager on a horse or jockey with a good Irish name.

Pat retired from CP Rail in 1997. He is survived by his wife Liz, to whom he was married for 47 years, his son Patrick McPartland (Jennifer), and daughters Elizabeth Raiter (Shawn) and Rory Gautsche (Brad). He is dearly missed by

...PATRICK J. MCPARTLAND cont'd

his grandchildren Shane, Reese, Jacob, Aly, Ryan, Ava, and Ruby.

Respectfully submitted,  
Shawn M. Raiter

## **John R. O'Brien**

November 22, 1928 - January 23, 2012

John R. O'Brien was born in St. Paul, Minnesota on November 22, 1928. He attended Nativity grade school, Cretin High School, St. Thomas College and St. Paul College of Law. He proudly served with the 7th Calvary in Japan as part of the Post War Occupation Force. He taught evening classes at St. Paul College of Law.

Jack was a founding partner of Jardine, Logan & O'Brien, and was known for his courtroom skills and brilliant legal mind. He had a well deserved reputation as one of the top trial lawyers in Minnesota. Jack was one of those individuals that had a significant effect on everyone who met him. Every lawyer has a favorite O'Brien story to share. As a mentor to younger lawyers at the firm, he never accepted less than your best effort, and insisted that ethical judgments and "doing the right thing" was an expectation for working at the law firm. You could go to him with any legal issue and he always seemed to know the key case on point in a matter of seconds, or he would refer you to one of his famous "Black Books" where he diligently kept case summaries and articles with handwritten notes regarding all areas of the law and procedure.

He also taught everyone to "think like a lawyer" and "think outside the box" directing you in his work assignments memos to use initiative and imagination. If you could not find any precedent for what you needed to argue, he always reminded you that you could still make a compelling logical factual argument to support your position. Jack was also known for his legendary cross examination skills. He had an uncanny ability to cut a pompous witness down to size with razor sharp wit, and showing up witnesses who were careless with the truth. Juries were mesmerized by his charisma and skill.

Jack and his wife, Sharon, raised seven children Patrick (Sue), Michael (Barbara), Bridget (David), Colleen (Jon), Tamara, Kelly (Gary), and Timothy (Carolyn), nine grandchildren, and three great grandchildren. He and Sharon shared a special life at their lake home near Hayward where they spent time with family, and good times with many close friends. He also loved a good book and great conversation over a glass of gin.

Jack left us too soon when he died on January 23, 2012 at the age of 83. He was truly "one of a kind", and a special person who lit up every room he entered, and was everything good there is about being Irish. There were so many memories yet to come. He is dearly missed and life just isn't the same without him. As the Author of Danny Boy, who was also a lawyer wrote: "I shall rest in peace until you come to me. Oh Danny Boy, Oh Danny Boy, we love you so."

Respectfully submitted, Pierre N. Regnier

## **The Honorable Robert J. Sheran**

January 2, 1916 - January 25, 2012

Former Chief Justice of the Minnesota Supreme Court, Robert J. Sheran, died January 25, 2012. He was twice appointed to the Supreme Court, once by Republican Governor Elmer Anderson and again later by Democratic Governor Wendell Anderson.

Bob was born in Waseca, Minnesota where, in childhood, he was mentored by a young attorney, Henry Gallagher. In 1936, Henry Gallagher was appointed Chief Justice of the Minnesota Supreme Court. Bob was always quick to remind his colleagues that Henry Gallagher was instrumental to his personal and professional development. He was fond of remembering Henry Gallagher's moral code which served as Bob's ethical guide in public service and private practice. In 1939, Bob became Henry Gallagher's law clerk when Henry was Chief Justice.

Bob was known as a champion debater. After winning two state debate championships, he graduated from Roosevelt High School at age 16. He also graduated from St. Thomas College after competing on the debate team which won the national debate title.

After graduating from the University of Minnesota Law School and completing his clerkship, he joined Republican Congressman Joseph O'Hara in private practice in Glencoe, Minnesota. During WW II, Bob served as a special agent for the FBI on security issues including the protection of atomic bomb research. After the war, he was invited to join his mentor, former Chief Justice Henry Gallagher, in Henry's firm in Mankato, Minnesota. During his years in Henry's firm, Bob also served two terms in the Minnesota House of Representatives.

From 1963 to 1970, Bob Sheran was an Associate Justice of the Minnesota Supreme Court and was the Chief Justice from 1973 to 1981. He authored over 300 opinions. The need to direct more time and attention to caseloads inspired Bob and his successor, Chief Justice Douglas Amdahl, to lay the foundation for creation of the Minnesota Court of Appeals. In 1981, he joined his friend and former classmate, Leonard Lindquist, in Leonard's firm in Minneapolis. Bob and Leonard had cultivated a close relationship during their law school years and their respective terms in the Minnesota House of Representatives. He remained an active partner in Leonard's firm until 1991 and, in 1992, he was appointed Dean of the Hamline University School of Law, where he served until 1994.

Bob was most proud of those who supported him in the pursuit of truth and justice. He frequently recalled the continuing contributions made by his former clerks, including: Chief Justice Eric Magnuson; Associate Justice Sam Hanson; Judge Timothy Baland; Judge Bruce Peterson; Judge John Guthmann; Judge

...HON. ROBERT J. SHERAN cont'd

Richard Hopper; Judge John Ellefson; Barbara Isaacman, author and Hennepin County Public Defender; Robert Rosenbaum, partner, Dorsey firm; Deb Regan, partner, Lindquist firm; Joseph Hamilton, litigation chair, Chase Bank; Eva Park Hamilton, first woman professor at Hamline Law School and practicing at the Oakes and Lansing firm; Ken Kirwin, professor at William Mitchell School of Law; David Fitzgerald, partner, Rider Bennett firm; Robert Arkin, partner, Leonard, Street firm; Janice Rhodes, private practice, Bloomington; John Erickson, private practice, Brainerd. Special recognition should be directed to Barbara Isaacman, Judge Baland and Judge Peterson, all of whom organized the clerks' reunions at Bob's summer home on Lake Washington near Mankato. Many of "Bob's opinions" followed initial drafts prepared by his clerks. The rumor is "draft" opinions were often outlined during tennis matches between Bob and his many clerks.

Bob's wife, Jean Brown Sheran, died in 2005 and his oldest son, Michael, died in 1987. He is survived by three sons, Thomas, John and Daniel, all of whom are attorneys and, by his only daughter, State Senator Kathy Sheran.

Though his professional accomplishments are too numerous to mention here, those who were truly close to Bob do not emphasize Bob's legal credentials. Rather, his admirers' recall special moments that reflected Bob's inner virtues outside the law business. He would say those virtues were a product of his experiences with Henry Gallagher. On January 25, 2012, Bob's foundation in faith was rewarded when he was greeted by Henry at the gates of Heaven.

Respectfully Submitted,  
Daniel J. Sheran

## **David W. Thurston**

April 7, 1938 - April 28, 2012

David Thurston died on April 28, 2012, at the age of 74. He was born on April 7, 1938 in St. Paul, Minnesota and grew up in the Crocus Hill neighborhood of St. Paul. He attended St. Luke's Catholic grade school, Nazareth Hall Preparatory Seminary and St. Paul Central High School, from which he graduated in 1956.

David attended the University of Minnesota where he met his future wife, Jacqueline Brockman. He earned his B.A. in 1960 and his J.D. in 1962.

David was a sole practitioner, operating a general practice throughout his career. He maintained an office in the Snelling and University Avenue area of St. Paul until 1968 when he moved his office to 2301 Woodbridge Street in Roseville where he remained until his retirement in 1997.

David was involved in his children's lives as well as in local civic organizations. He was an active member of the Minnesota Jaycees for ten years. David was appointed Special Municipal Judge in North St. Paul which office he held until 1975. While juggling an ever demanding professional life, he made time to take his children to music lessons, dance lessons, hockey practice, and play practice, to name a few.

David enjoyed running the organizations in which he and his family were involved. He was President of the Board of Education for St. Peters' Parish School in North St. Paul and served for ten years on the Parish Council, four of them as Chairperson.

His five children attended Hill-Murray High School during the period of time 1974 to 1991. David was a member of the Hill Murray Board of Education for sixteen of those years, including seven years as Board Chairperson.

David enjoyed annual vacations to warm destinations with his wife and cross country motor trips with his family. He drove to and from Acapulco, Mexico with four children in tow not fewer than four times before he began to use air travel.

David was an avid birder since he was in the 5th grade. His retirement in 1997, at the age of 59 ½, allowed him to devote more time to this passion. His birding adventures took him to the Pribilof Islands in the Bering Sea, Island of Onalaska, (one of the furthers islands of the Aleutian chain), pelagic trips to the Pacific Ocean in search of Shearwater birds, Cape May in the Upper Northeast, Rio Grande Valley, and the Brownsville dump - notorious for luring in the Mexican Crow. He also travelled with friends to the prairies of North Dakota, South Dakota, Montana, and Nebraska to view the thousands of geese migrating through the fly way.

...**DAVID W. THURSTON** cont'd

In 2000, David and his wife of 53 years purchased a condominium in the golf community known as "The Glades" in Naples, Florida where they established a winter home and many new friendships. Dave Thurston was soon referred to as the Glades' very own "Birdman". He organized birding fieldtrips for those who shared his passion. He jokingly called himself the head of the "Wild Ass Tours." While he spent his retirement years doing what he enjoyed most, he was also involved in The Glades community by serving as the Chairperson of the Finance Committee, the Chairman of the Rules and Regulations and Condominium Documents Committees.

Dave returned to North St. Paul during the summer months and enjoyed spending his time with family, including watching his grandchildren play soccer, football, baseball, and run track.

David was preceded in death by his parents, Dwight and Hazel Thurston, his brothers Bruce and Robert, and his sister, Marilyn Goergen.

He is survived by his wife of 53 years, Jacqueline and his five children John (Larisa), Susan (Jim), Pam Schultze (Doug), Christianne Connors (Brian) and David (Erika) and his fourteen adoring grandchildren: Brian, Jordan and Peter Schultze, Caitlyn, Madelyn, Collin, Caralyn, Nolan and Evalyn Connors, Jack, Levi and Eric Patton, and Avery and Garrett Thurston.

Respectfully Submitted,  
Susan Thurston