

MEMORIALS

Friday, April 12, 2019

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

Two o'clock

"Neither fire nor wind, birth nor death
can erase our good deeds."
- Buddha

RCBA
RAMSEY COUNTY BAR ASSOCIATION

IN MEMORY OF

James J. Boyd

Presented by Mike Black

Philip B. Byrne

Presented by Tim Marx

Hon. John J. Connelly

Presented by Timothy M. Connelly

Hon. John S. Connolly

Presented by Thomas R. Hughes

Leo Day

Presented by Joseph Daly

Patrick H. Doherty

Presented by John E. Kane

William S. Fallon

Presented by Martin S. Fallon

Eugene J. Flick

Presented by Gerald M. Linnihan

Buster C. Hart

Presented by Kyle E. Hart

Richard D. Hawke

Presented by Perrie Heitler

Hon. Dale B. Lindman

Presented by Jack Van de North

Joseph Mast

Presented by John Bultena

Hon. Diana E. Murphy

Presented by Hon. Margaret Chutich

Bruce H. Peck

Presented by Stevan S. Yasgur

Mary S. Ward

Presented by Elizabeth J. Keyes

PROGRAM

WELCOME

The Honorable John Guthmann
Chief Judge, Ramsey County District Court

Sarah McEllistrem
President-Elect, Ramsey County Bar Association

PRESENTATION OF MEMORIALS

RECEPTION

Printed copies of today's memorials will be
available in the lobby after the session

THANK YOU

Thank you to the members of the 2019 Memorials Committee for
their dedication to this special day of remembrance

Scott Borchert, Co-Chair
Elizabeth Keyes, Co-Chair
Robert Beutel
Michael Black
Thomas Boyd
Hon. Patrick Diamond

David Hutchinson
Eric Larson
Dan O'Connell
Judith Oakes
Lloyd Stern
Christine Stroemer

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Bar Memorial Introduction

On behalf of the judges of the Second Judicial District, Ramsey County District Court, I would like to thank you for attending this special court session. I would also like to welcome the visiting and senior judges who join us on the stage this afternoon: Justice Margaret Chutich of the Minnesota Supreme Court; Chief Judge Ed Cleary of the Court of Appeals; Judge Louise Bjorkman of the Court of Appeals, and Jack Van de North, retired. Each is our former colleague on the Ramsey County Bench.

For at least 90 years, the Ramsey County Bar Association has memorialized members of the bench and bar who have passed on. Thanks to the Minnesota Legal History Project, the record of our memorial proceedings has been preserved digitally going back to 1937. That year, Chief Judge Hugo Hanft opened the memorial proceedings with these words:

It is fitting that at stated times Bench and Bar cease their labors to pay tribute to the memory of those of their associates whose voices in the halls of justice have been sealed forever. This is the day set apart by the judges of the district court for such memorial exercises, and all matters upon special term are passed for one week.

Although we do not pause our work for a week these days, I am thankful that we still place great value in taking time each year to remember our colleagues. So, on behalf of our bench, I welcome your presence to help continue our time-honored practice of honoring the attorneys and judges who have left us. And now, I would like to welcome Sarah McEllistrem, President Elect of the Ramsey County Bar Association.

**John H. Guthmann
Chief Judge, Second Judicial District**

[The remarks of Sarah McEllistrem are not available]

James J. Boyd

October 11, 1940 - July 12, 2018

Jim Boyd grew up as a Catholic kid in Chicago. He attended St. Angela's Catholic Grammar School and Fenwick High School where he was a standout athlete. Jim came to Minnesota in 1958 to attend college at St. John's, where he played football for John Gagliardi. After graduation, Jim stayed in Minnesota and attended William Mitchell College of Law. He was admitted to practice in 1967 and continued as a lawyer until 2005.

During his time as an attorney Jim was a trial lawyer, handling primarily personal injury cases. He initially worked as a public defender, for West Publishing, and practiced in the firm of Boyd and Commers. He later worked for the Murnane firm doing defense work but, eventually, turned to doing plaintiff's work. He worked with several local firms. He also had a long association with Gil Schlagel. Any local insurance defense lawyer litigating against Jim learned not to take him lightly, and they often found themselves explaining a bad trial result to their home office.

Outside of practicing law, Jim was devoted to his family, his church and the game of handball. Jim was married to Constance and had two children Jim, Jr. (known as Jack), and Connie. Jack relied heavily on his dad for support. Connie had six children, which turned Jim into what she describes as "the best grandpa."

Jim was a longterm member and devoted volunteer at The Church of St. Mary in downtown St. Paul, where he served as a board member, lector, and Eucharistic Minister, as well as in other capacities. He was a member of the recovering community for over 30 years.

But his passion was handball; he played at the St. Paul Athletic Club and later the Skyway YMCA. He had a singles opponent lined up every weekday for 25 years and never got bored with beating them. Over a period of 20 years he won no less than 10 Minnesota state championships in both singles and doubles in various age groups and skill levels. In 1994, he teamed up with Jon Andresen to win the national master's USHA doubles championship in the 50-plus age group at a tournament in San Francisco.

Jim's standout quality was his affability and generosity. He was always there to offer a helping hand. He is survived by his children, grandchildren, and a generation of disappointed handball challengers.

**Respectfully submitted,
Mike Black
Jim Dunn**

Phillip B. Byrne

December 16, 1938 - October 26, 2018

Feel the Byrne of a Pure Heart, a Brilliant Mind and a Kind Soul.

May it please the Court. My name is Tim Marx.* I practiced law with the Briggs and Morgan firm in the Saint Paul Office and served as Saint Paul City Attorney. It is an honor to offer these memorial remarks in honor of Philip B. Byrne.

"Blessed are the pure of heart for they shall see God." There can be no scintilla of doubt that Phil's pure heart, let alone his brilliant mind and kind soul has him seeing God as we celebrate his life today.

I am one of the city attorneys honored to serve with Phil and be served by him as Deputy Mayor. I speak today in honor of Phil's public service and, as best as I am able, do so on behalf of the many public servants with whom Phil served.

Let's start at the beginning, with Attorney General and then Senator Mondale. The setting: the race riots of the 1960s, the Kerner Commission warning that the nation was "moving toward two societies, one black, one white—separate and unequal," and Martin Luther King and his assassination. Phil, not yet 30, as legislative counsel to Senator Mondale, played an instrumental role in securing passage of the Fair Housing Act of 1968, which Mondale co-authored. It outlawed housing discrimination and promoted racial integration. Now 50 years ago, it was the last major landmark Civil Rights legislation to become the law of the land.

The Senator, in February, 1969, wrote Phil, in part:

While there are many accomplishments which you can properly take credit for, none is more important than the National Fair Housing Law. I well remember it was your enthusiasm...that encouraged me to undertake this effort when I was not inclined to do so. The adoption of that legislation alone is enough to justify the lifetime of most people.

*** Briggs and Mogan, Saint Paul Office (1986-1993; 1998-2003); Saint Paul City Attorney (1994.1997); University of Minnesota Law School (1983); currently President and CEO of Catholic Charities of Saint Paul and Minneapolis.**

Enough to justify a lifetime. But we know Phil didn't stop there. He left the hot seat of Washington D.C. for the tundra of Alaska where he crisscrossed the state in "puddle jumpers" defending and securing rights for indigent and native populations.

Then to the St. Paul City Attorney's office for 27 years supporting 11 city attorneys, four mayors, dozens of city councilors, department heads and working with hundreds of other attorneys, community groups and constituents. Here is some of what Phil's colleagues have offered:

- To know something, you "just asked Phil," our "go to guy"
- He was the heart and soul of the office, profound wisdom, indelible integrity, a legal intelligence that sustained us
- A mentor to, and a strong supporter, of women
- It was ok to try a new restaurant if it passed Phil's inspection regime
- A voice of reason; not a kinder man working for the city; the guiding spirit of St. Paul's legal profile
- Those that could not trust each other trusted Phil
- A kind, good and unselfish friend
- A sensibility that flowed seamlessly from the gravity of Yeats to the glad lyricism of Gerald Hopkins; and yes, that
- Perfect handwriting

Phil could have had fancier titles, made more money, garnered more "prestige." But his total and unwavering devotion to Mary Lou and his six daughters came first—always and without exception. He turned down the city attorney's job at least twice. And one mayor, George Latimer, to justify a decision to an angry Catholic community, took cover in Phil's legal opinion referring to him as Archbishop Byrne—a reference to Phil's great uncle. George was a great mayor, and might have been a great Pope. But Phil would have opined that that being both simultaneously was proscribed by the doctrine of "incompatibility of offices."

He loved the law, literature, and running, and was also a student of Catholic Social Teaching. Social justice was stitched into him. He was always for "the little guy" and kept a respectful distance from those he called "company men," afflicted with pride and self-interest.

One colleague, now a retired judge, has for years called Phil "the perfect person," a personification of the Beatitudes, simply the best.

But there is one thing to resolve, as it could "Sully" Phil's record.** It involves a Mason jar with a good "Villiaume" of clear liquid and green olives the night before a city attorney's office and friends' canoe trip down the Brule River.*** Phil didn't canoe that next day, claiming illness not caused by spirits. Some suspected a prevarication, but careful verification proves it was the combination of Cossetta's Italian sausage and a Windmer T-bone.

Phil's record remains perfect!

So what is Phil's legacy? We will each answer that differently depending on how we knew and came to love Phil. I invite each of us, with gratitude, to "feel the Byrne" of Phil's pure heart, brilliant mind and kind soul in our own quests to live our lives well.

God Bless Phil Byrne and all who love him.

Respectfully submitted,
Tim Marx

** Terry Sullivan, a long-time colleague and dear friend of Phil's in the city Attorney's Office, also organized the Bruel River trips.

*** Frank Villaume III another long-term St. Paul City Attorney's Office colleague for whom, Phil's daughters would often baby sit. Frank also participated in the Brule trips.

Hon. John J. Connelly

August 11, 1926 - June 11, 2018

Judge Connelly grew up in a tiny, diverse section of the Como Park neighborhood of St. Paul. His neighbors were Irish, African Americans, Swedes, Czechs, Hungarians, Italians, and Germans, all living, working, playing and scraping by together. Judge Connelly carried this part of his childhood with him all of his life and treated everyone Supreme Court Justices, tradesmen, billionaires, farmers and doormen— with the same dignity and respect.

In 1944, he graduated from Washington High School in St. Paul where he played hockey, football, and baseball. After high school, he enlisted in the Navy, serving as an electrician's mate on the USS Siboney in the Pacific through the end of World War II. Following the war, he enrolled at Hamline University until he was recruited to play hockey by the University of Minnesota. He got his bachelor's degree in 1949 and his law degree from his beloved University of Notre Dame in 1953.

John Connelly was in private practice with Felhaber, Larson & Fenlon until 1959. He served as Assistant United States Attorney from 1959 until 1965, and was a partner with Bundlie, Kelly & Torrisson from 1964 to 1965. Judge Connelly was appointed a referee in bankruptcy for the District of Minnesota in 1965 and became a bankruptcy judge in 1973. He retired from the bench in 1986, having served as Minnesota's first chief bankruptcy judge. In 1994, after practicing law as a partner at Lindquist & Vennum, Judge Connelly was recalled to the bench to sit in the Southern District of New York, where he served until 2002. After a short stint as a mediator, Judge Connelly retired for the fourth and final time in 2005.

Judge Connelly worked on many notable matters during his long career, including *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982), a case that started in his courtroom, and held that Congress' broad grant of jurisdiction to bankruptcy judges in 1978 violated Article III of the Constitution. But for Judge Connelly, the most important cases to pass through his court involved proud farmers falling on hard times and small family businesses struggling to save their livelihood and their employees' jobs.

John had a love of all things Irish. He helped start the St. Patrick's Day Association in St. Paul and was Mr. Pat in 1987. John was interested in sports all of his life, playing them in school, following them afterwards, and coaching his children's teams, emphasizing sportsmanship and technical skill. In 1972, he coached his son John's hockey team at St. Gregory's, a Catholic grade school of some 180 students. The luck of the Irish followed the team (they wore greenjerseys, of course) to a 14-0 record and the St. Paul City championship, defeating much bigger schools along the way.

Judge Connelly was quietly, deeply devoted to his Catholic faith. During his life, he frequently attended morning mass before going to work. Judge Connelly is survived by his wife of nearly 64 years, Mary Louise Connelly, seven children and eight grandchildren. He is also survived by a cadre of attorneys who he mentored throughout his decades long life in the law.

**Respectfully submitted,
Timothy M. Connelly**

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A Memorial to Judge Connelly by United States Bankruptcy Judge Robert J. Kressel delivered at the Judicial Conference of the Eighth Circuit Court of Appeals is posted in the “Bankruptcy” category in the archives of the Minnesota Legal History Project.

A Memorial to Judge Connelly was delivered at Memorial Services of the Hennepin County Bar Association on May 1, 2019. It is posted in “Hennepin County Bar Memorials – 2019.”

Hon. John Stevens Connolly

February 16, 1932 - April 11, 2018

John Stevens Connolly was born on February 16, 1932, in St. Paul, to parents John and Marie Connolly. John had seven children and two step children. He was previously married to Carol Connolly, and at the time of his death to Phebe Connolly.

John was a lifelong resident of St. Paul, but spent several winters in Scottsdale, Arizona; Austin, Texas; and Philadelphia, Pennsylvania. He attended St. Marks grade school, St. Thomas Academy, St. Thomas College, St. Paul Seminary, and Georgetown Law School.

Shortly after graduating from law school, he began practicing with Stan Masio in St. Paul. John was one of the first public defenders at a time when they were appointed on an ad hoc basis. He later practiced with or employed several lawyers including Don Heffernan, Scott Tilsen, Tom Barrett and Tom Hughes, to name a few. The St. Paul lawyers who were John's early contemporaries included Smitty Eggleston, Vie Anderson, Ham Chochrane, Louise O'Neill, Rol Nardi, and others. He loved to recount old stories about these friends to anyone who would listen.

John's practice was varied, but his passion was criminal defense. He often represented private clients charged with a crime for little or no fee. If John lost a case you could almost be assured he would appeal to the Eighth Circuit or Minnesota Supreme Court, which heard many of his appeals. He was a member of the Wounded Knee defense team with other activist lawyers, working long and hard on this case, without fee, at a time when the issues surrounding the trial were controversial and divisive.

After a long career as a practicing attorney, best known for his criminal defense work, John was appointed a Judge by Governor Rudy Perpich in 1986, to fill a vacancy on the Ramsey County District Court. There were some in the legal community who were skeptical of his appointment; but he fooled them. Judge Connolly was one of the hardest working judges on the court during his entire tenure. He pioneered in alternative dispute resolution, requiring the parties in civil cases to engage in mediation or summary jury trials. He would tell lawyers and parties they would

have to appear on Saturdays for court sessions, if the parties couldn't resolve their issues. He never shied away from taking on extra work when fellow judges were in need of help with their caseload.

Judge Connolly couldn't accept retirement as an option. After reaching age 70, he began working as a retired judge in whatever county asked him to serve. He especially enjoyed working in Dakota County with judges he had known for many years. He would often call the assignment clerks in Ramsey and Dakota County to see if there were any openings for him to hear cases. In retirement, he also worked for one year as a war crimes judge in Kosovo, Bosnia. There he was exposed to potentially dangerous situations and needed an armed escort to ensure his safety.

But being a lawyer was not the only career John aspired to. He ran for the Second District U.S. Congressional seat and for the U.S. Senate, neither of which he won. Early on in life he even ran unsuccessfully for Justice of the Peace. He used to joke how he couldn't even win a J. P. election.

John loved boxing and at one point promoted the sport from a bar he owned. It was odd that a person who never drank alcohol would own a bar, but that was John. But golf was his true avocation. He started as a caddy at Town and Country Club, where his father was a member, and played golf as much as time allowed. He took many golf lessons over the years in all parts of the country, but stopped taking lessons when one teaching pro told him his weight should be on his heels and another told him it should be on the balls of his feet. He felt that maybe he could figure it out for himself.

However, John's golf career ended when his right leg was amputated as a result of a circulation problem. He tried playing golf using a specially designed electric cart, but the task was too difficult. The amputation didn't stop him from working or driving cross country to his winter homes and his annual Iowa spiritual retreat in his specially equipped car, with his son Bill at his side. John also took up bridge and played in many tournaments around the country. He amassed a couple of hundred master points before his death.

John got around independently with a walker and a wheelchair until a fall at his home resulted in a broken shoulder. He was recuperating from the fall when he was diagnosed with multiple myeloma, which eventually got the best of him. In spite of his multiple problems he continued to practice law until the end. He took on clients in an immigration case and a criminal case in Hennepin County. He would have a medivan pick him up at Carondelet and take him to and from court. He refused to let anyone step in and make the appearances for him.

John was a devout Catholic, a dark blue Democrat, and compassionate, hard working lawyer and judge. He had a steel trap memory about anything that occurred in Ramsey County and who was involved. Now he is part of the lore he so dearly loved.

Respectfully submitted,
Thomas P. Hughes

Leo Daly

April 4, 1947 - JULY 1, 2018

Leo joined the Air Force during the Vietnam War. After spending 13 months in Vietnam he came home and finished the U of M undergrad in 2-1/2 years.

On to Hamline Law School where he complained about the C+ I gave him in the first practice test in first semester Contracts Law. After I told him I would reread his test and reserved the right to lower his mark, I had to remind him he couldn't talk to an Assistant Professor of Law that way. He repeated himself. I decided to let it go.

Lee loved being a lawyer. He loved practicing personal injury law with Karon, Jepsen and Daly, then later with Schewbel, Goetz and Sieben. He loved being a pilot. He bought an airplane as soon as he could and put a full page photo ad in the yellow pages. He stood next to his plane and the ad said, "Don't go to a lawyer, one will come to you." He represented a lot of pilots.

Lee smiled easy. He was a wonderful dad to Nick and Tim, a good brother, a terrific advocate, and a trusted friend to many.

Despite having given him his lowest mark in law school he represented me well when I was injured in a car accident. Although he argued he should charge me much more than his usual fee to compensate for the C+ from law school.

Those of us who skied with him, scuba dove with him, travelled to all parts of the world with him, taught with him, and tried cases with and against him, will miss his skills, ethics, kindness and competency in the law. He understood the importance of a life well lived and he lived it.

**Respectfully submitted,
Joseph Daly**

Patrick H. Doherty

April 2, 1919 - June 23, 2018

My name is John Kane, and I am honored to be speaking about my father-in-law, Patrick H. Doherty, who passed away last year at the age of 99.

Patrick was born and raised in a family of six on a farm in Cedar Lake Township in Scott County, Minnesota. He graduated with honors at age 16 from New Prague High School, earned a Teaching Certificate from Mankato State, and taught in rural Scott County schools (including some one room schoolhouses) until he volunteered for the Army in World War II.

As a fighter pilot in the US Army Air Corps, he trained in Britain and flew combat missions over northern Europe. His family always believed that experience gave this farm boy a view of the world that would lead to a lifelong love of travel and eventually take him to all seven continents.

After the war, with the help of the GI Bill and his wife, Mary, Patrick completed his undergraduate degree at the University of Minnesota and then earned his law degree from The Minnesota College of Law in 1952.

Upon graduation, he setup his law practice at the corner of University and Snelling Avenues, a short distance from where we are gathered today. For the next 55 years of his practice, his office remained within 1/4 mile of that intersection. He was active in the neighborhood community as a founding member of the North Snelling Avenue Commercial Club and as an officer in the Midway Lions Club. Patrick also remained active in The Knights of Columbus.

His clients were primarily people from the neighborhood, their families, and others that they referred to him. In his law practice, focused mostly on real estate, probate, and estates, Patrick served and represented many generations of the same families who trusted him and appreciated what he did for them. When representing clients, he was caring and persistent (a family code word for dogged and sometimes stubborn). He believed that the people who trusted him to be their lawyer deserved that.

Patrick identified himself as a St. Paul/Ramsey County lawyer. He said that and did that with pride and a slight touch of arrogance. Because you see, in his mind, that set him apart from those "other" lawyers. That meant he was a member of a group of lawyers that held themselves to a higher standard. A St. Paul lawyer was one whose word was his bond. Once given, it was not to be broken.

Patrick was a good and decent man who is and will be missed by his family, the City of St. Paul, and this bar association.

Respectfully submitted,
Patrick J. Doherty (son)
John E. Kane

William S. Fallon

October 2, 1931 - November 27, 2018

Good afternoon, I am Martin Fallon. I am honored to have the opportunity to talk to you today about my father and longtime Saint Paul attorney, William Shields Fallon.

Bill was born in Saint Paul in October 1931, and came of age during the Great Depression and World War II. He attended and graduated from Saint Mark's grade school in 1945, and entered Saint Thomas Academy, days after the Second World War ended, in August 1945.

Coming of age during that historic era turned him into a lifelong student of history and also formed for him a lifelong commitment to the belief that the world could be made a better place by advancing justice through the actions of men and women.

After he finished high school in 1949, he went to Saint Thomas College where he studied history. And then after he finished college in 1953, he went to law school at the University of Minnesota, graduating in 1956. In choosing the law as his profession, he followed in the footsteps of his father, William Henry Fallon, who was a long time Saint Paul lawyer and politician, and his great grandfather, Martin M. Shields, who was a Rice County Probate Judge in the early part of the 20th century.

After passing the bar in 1953, he began his legal career by serving his country in the United States Air Force, spending two years on active duty as a judge Advocate in Japan.

After his military service, he returned home and began a long and distinguished career as a lawyer in Ramsey County. Bill's legal career spanned over 50 years and included just about every type of interesting and diverse practice a lawyer could imagine. He served as a federal prosecutor in the United States Attorney's Office. He was in private practice in Saint Paul for many years where he practiced criminal defense, civil litigation, probate and trust work. He left private practice in 1977 to become the corporate general counsel for a large regional bank.

But it was in his last position, where he always told us that he found his greatest professional fulfillment and pleasure. In 1992 he was appointed by Archbishop John Roach to serve as the Chancellor for Civil Affairs for the Archdiocese of Saint Paul and Minneapolis. This was by his own account his dream job. And he loved every minute of it. He stayed in that position until his retirement in October 2005.

After retirement, he stayed intellectually sharp and engaged. He was a voracious reader, stayed connected to his friends and colleagues, and loved more than anything else spending time with his wife of over 50 years, Jean, his children, and his many grandchildren. Bill died at the age of 87 this past November [2018].

Being in the same profession as my father, I have had the pleasure of running into many lawyers and judges who worked closely with him over the years. And from those encounters, I am always proud to hear how well respected he was as a lawyer, how well regarded he was as a professional. He was, as I have heard some describe him, "A lawyer's lawyer."

He had a sharp analytical mind. He had a passion for justice and fairness. He was honest and had integrity. And like any excellent lawyer, he was curious about the issues. He knew the right questions to ask. He was able to weigh competing ideas and issues. And in the end — he was able to apply his intellect and deep knowledge of the law to solve the problems people brought to him. That after all, is the mark of an excellent lawyer — the ability to solve problems. Bill was a consummate and skilled problem solver throughout his entire life.

And so, on behalf of myself, my mother, and my siblings, we are here today with love and gratitude to remember this good man, and to bid farewell to this great father, husband, and lawyer.

Thank you.

Respectfully submitted,
Martin S. Fallon

Eugene Joseph Flick

August 27, 1948 - April 25, 2018

Eugene Joseph Flick was born in Minneapolis on August 27, 1948 to Eugene and Mary Flick. The family soon moved to Edina where Gene grew up. He would graduate from Benilde High School, the University of Minnesota, and William Mitchell College of Law. As was Gene's habit, whether in school, at work, or elsewhere, Gene established lasting friendships.

During law school Gene was fortunate to work for Jardine, Logan & O'Brien, a St. Paul insurance defense litigation firm, where he gained immeasurable experience as a law clerk/investigator. Upon graduation he was asked to stay on at the firm and became a partner five years later. Gene remained at the firm his entire career, some 45 years. Gene was fortunate to work under and learn from such mentors as Donald Jardine, Jerre Logan and Jack O'Brien. Gene wasted no time in making the transition from law clerk /investigator to practicing attorney, trying six jury trials in District Court his first year out of school. He was always respectful of other attorneys, and gained their respect in return.

Gene's early practice focused on handling many kinds of civil litigation including products liability, all forms of negligence actions, workers' compensation defense of employers and insurance contract law. Gene tried close to 100 jury trials and also countless workers' compensation cases, which became an area of law where he focused his practice during the last half of his career.

Perhaps many words could describe Gene. As an attorney he was intense, focused, competitive, and an absolute advocate for his clients. He was the kind of lawyer that other lawyers enjoyed working with. He was trustworthy, fair, and a man of his word. He had a large number of insurance clients, self-insureds, and third party administrators who often sought his advice and counsel, and virtually all of these people, attorneys and clients alike, called Gene their friend. Modest and humble, he never sought acclaim or praise for his many successes.

Outside of work, two of Gene's passions were hunting and fishing. He always had a love for the outdoors. Even as a small child he

would sneak outside. In fact his mother tied bells to his shoes so she would know where he was thus the nickname "Jingles." Even on his honeymoon, it was duck hunting in North Dakota.

He hunted upland game birds and big game throughout the U.S.; from the Midwest to Alaska, to the American Southwest, and even to Newfoundland. Gene continued to make lasting friendships wherever he went. He especially loved bow hunting for deer, and wild turkey hunting. It is said, on his passing, that the turkey and deer populations in Minnesota and Wisconsin breathed a huge sigh of relief. Gene's name can be found in the record books of both Pope and Young, and Boone and Crockett.

But Gene's greatest love was his family. He was married to the love of his life, Debbie, for 44 years. Together they made a loving home for two daughters, Beth and Katie, and over time a gathering place for five grandchildren, Carter, Isabel, Taylor, Myla and Parker.

In 1983 Gene and Debbie bought a cabin on Big Round Lake in northern Wisconsin. The old cabin would be torn down and a new one built. The cabin was Gene's retreat whenever he could break away from his practice. And everyone was welcome at the cabin.

In Gene's later years, perhaps to his own surprise, he developed a love for traveling the world. He and Debbie traveled the Mediterranean, and to Israel and Jordan. They were scheduled for a European River Cruise when Gene suddenly left us on April 25, 2018. But he left us the way he wanted to go, on the first morning of his Minnesota turkey season.

Gene truly understood the importance of the love of family and friends. His work life came second. If you are in northern Wisconsin, especially on Big Round Lake, and you hear a fisherman going out early in the morning, then know that Gene is probably nearby.

Respectfully submitted,
John M. Kennedy, Jr.
Gerald M. Linnihan

Buster Clarence Hart

March 19, 1923 - September 15, 2018

My dad, BC Hart, and his identical twin brother Bud, were ranch kids from South Dakota. They fought in World War II and attended Harvard Law School on the GI Bill. Nearing graduation, they learned Minnesota Supreme Court Chief Justice Charles Loring was hiring a law clerk. Fortunately, Associate justice Clarence Magney also needed one and that's how the twin rookie lawyers found their way to St. Paul.

BC's clerkship was cut short by the Korean War. Recalled to duty at Fort Benning, the intake officer noticed BC's law degree and instantly appointed him Staff Judge Advocate. BC protested: "I really don't know military law." The officer replied: "You know more than those two Second Lieutenants upstairs who have never been in the Army and just graduated from University of Mississippi Law School. Go start teaching them."

The Mississippi lawyers were having trouble with legal prose, military version. BC broke through when he asked: "Do you remember early reading books: 'Jack ran. Jill ran and baby ran, too?' Copy that style. Just take it two notches further." That's good advice to any young attorney, in or Out of the military.

Inspired by Clarence Darrow who he had read about as a child, BC volunteered for courts martial defense duty. Characteristically, BC threw himself into the task. He disregarded Judge Advocate policy that: "When we charge a soldier, he is guilty! Your job is to make certain he is convicted on competent evidence." BC won 10 of the 60 court martials he defended, possibly a military record.

After discharge in 1952, BC returned to St. Paul. What is now Briggs & Morgan offered a job for \$300 monthly. BC replied: "I will accept starting at \$325." The counteroffer offended some. However, Charlie Briggs was intrigued, remarking: "He's a green farm boy but he'll shape up. Let's hire him." Twenty years later, that "green farm boy" was President and Managing Partner of Briggs, invited into prestigious legal associations, and subsequently founded his own firm, Hart & Bruner.

BC and his brother Bud were leaders establishing construction law as a practice specialty. I can't possibly cover that in my remaining time, so I'll return to the courts martial where BC cut his litigation teeth. In one, a corporal was accused of stealing hamburger from the Army mess. On cross-examination, BC tore apart the Army's butcher expert who couldn't definitively identify hamburger ground to military specifications from grocery store hamburger.

BC was known to become more articulate and effective the more heated he became. I can just picture him laying into the Army about hamburger grinds - not only because he was competitive and liked winning - but because he cared. He cared about the corporal's wife and young children, and what might happen to them if he lost. Caring deeply about any task or moment characterized BC's every professional or personal interaction throughout his life. He was a great attorney but an even greater person.

Respectfully submitted,
Kyle E. Hart

Richard D. ("Dick") Hawke

April 10, 1951 - August 8, 2018

Good afternoon, my name is Perrie Heitler and I was honored and privileged to have shared offices and practiced law with Dick Hawke for almost 30 years.

Dick was the most generous, patient and dedicated counselor that I have ever known. He assisted his clients in estate planning, probate, elder law, tax (including complex estate tax valuation issues) and real estate. He had time for everyone and was a great mentor and resource to the entire bar and community. He served his clients for over 40 years and it was profoundly satisfying to him.

Dick (one of two children) was born in St. Paul, Minnesota, on April 10, 1951. He graduated from St. Olaf College in 1973 and received his law degree from Boston University School of Law in 1976. He came from a background of taxes and accounting, having assisted his father in his CPA practice before being admitted to the bar. Taxes became one of Dick's life passions.

Dick was married to Susan Hawke for 40 years and they have three children, Bryon, Ryan and Brittany, and two grandchildren, all of whom survive him. Dick met Susan when she asked him to represent her in regards to a lemon car that she had purchased. In case you are wondering, they did not start dating until after that case was closed.

He was a member of the Governing Council of both the Elder Law Section and the Probate and Trust Section of the Minnesota State Bar Association (MSBA), Chair of the Federal Tax Law Committee of the MSBA's Probate and Trust Section, and a member of the MSBA's Real Property Section. He was past Co-Chair of the Ramsey County Bar Association Tax Committee and past President of the Ramsey County Bar Foundation. He was an officer and member of the Board of Directors of the St. Paul Youth Services Bureau, an active volunteer attorney with Legal Assistance and Southern Minnesota Regional Legal Services (SMRLS). He authored a chapter in the Elder Law Handbook published by Minnesota CLE every year since 2002, on the Minimum Distribution Requirements for Retirement Accounts, and

was a member of the planning committees for the Annual Elder Law Institute and the Annual Tax Conference.

In 2005, Dick received the Minnesota State Bar Association's David Graven Public Service Award for his service on the MSBA Katrina Relief Task Force. He was a 2006 recipient of the Mary Alice Gooderl Memorial Award presented by the Elder Law Section of the MSBA for outstanding contributions to the field of elder law, a 2016 inductee into the Elder Law Hall of Fame, and in October 2018 he was posthumously awarded the MSBA Elder Law Section Lifetime Service Award.

He had a quirky sense of humor that some would describe as "dad" humor. A great example would be the preamble in his Last Will and Testament, in which he said, "I...intend never to die. However, my able assistant keeps reminding me that this is not necessarily in the cards..." He bantered back and forth relentlessly with Robyn, his assistant. She will always cherish that special professional relationship.

He loved spending time with his family at their timeshare up North each summer, where he served many years on the Board of Trustees for the timeshare owners' association. In his younger years he enjoyed snow skiing and sailing. He was an avid Twins fan and patron of the arts, particularly in St. Paul.

Dick started the Hawke Law Group in 2017 so that his law practice and legacy could be continued. There are so many days in my practice that I want to walk into the office next door and brainstorm issues with Dick, but he is not there. He will be sorely missed by all who knew him.

Respectfully submitted,
Perrie Heitler

Hon. Dale B. Lindman

May 17, 1944 - March 8, 2018

Good afternoon and thank you for sharing a few minutes to reflect on the life of Judge Dale Lindman. Dale passed away on March 8, 2018. He is survived by his loving family: his beautiful wife Jill; three children: Dana, Ryan, and Nicole; six grandchildren, siblings, family members, and many friends.

Dale was born in May 1944 in Minneapolis where he spent most of his life before becoming a judge in 1998. He graduated from Marshall U High School and from the University of Minnesota, where he earned a degree in Business Administration in 1967. He attended William Mitchell College of Law, where he finished at the top of his class. During law school, Dale joined the National Guard and spent some time in Champagne, Illinois.

Dale practiced at Mahoney, Dougherty & Mahoney for 26 years, rising to the position of managing partner. Along with our good friend, Louise Bjorkman, Dale and I were appointed to the Ramsey County District Bench in 1998 by Governor Arnie Carlson. He served the Court and Ramsey County with distinction until his retirement in 2012.

I will never forget the day that Dale, Louise and I first met. We were invited to the Capital by the governor for him to announce our appointments. We were all very excited and brimming with enthusiasm for our new adventure as trial judges. As we walked up the steps of the Capital we all noticed the RV equipment trucks and the cameras and reporters in the rotunda. We had no idea that our becoming trial judges was such a big news event; but, then again, why not? We spent a little more time in the governor's office chitchatting. We walked into the news conference before figuring out that we were just the opening act. The news conference focused on some major announcements involving Northwest Airlines. The three of us attended "new judge school" at the National Law College in Reno, Nevada. We had a great time with other new Minnesota judges. One of the highlights was skiing at Squaw Valley where we practically killed ourselves.

As we handled our cases at the Court over the years, Dale and I would consult with one another. . . sharing ideas about how to

approach thorny issues that would arise. I always admired Dale's deliberate and thoughtful approach during these sessions. I was more impulsive. . . always wanting to follow my instincts. . . and Dale would patiently reel me in, reminding me that "Van de North on Evidence" was probably not going to hold up well in the Court of Appeals ... maybe "Lindman on Evidence" but definitely not Van de North!

Dale was a great family man. . . he had pictures of Jill, his kids, and grandkids all over his office and you could never get out of there without a story about the latest accomplishments of any or all of them. My wife Dee Dee and I enjoyed many pizza suppers at the Green Mill in Shoreview with Dale and Jill. . . even after he was ill.

As most of you know, Dale had a lifelong love of golf. We played quite a few times together, or, I should say he played golf and I knocked the ball around the golf course. Dale worked hard at golf. He had an amazing swing which produced a lot of memorable shots and low scores. I can imagine him making another birdie as we sit here today.

Dale had a warm sense of humor, which he never lost, even as he gracefully grappled with the tough hand he was dealt after retirement. Speaking of grappling, that's another thing about Dale Lindman that most of you probably don't know. . . he was an accomplished wrestler in high school and college. Maybe that's where his persistence and tenacity came from.

I miss Dale, and I know all of you do as well. At the end of the day, isn't that what we all hope for.. . that when we are gone, folks will miss us with many fond memories? Dale Lindman lived a full and happy life and we are all lucky to have been a part of it. We all miss you, Dale, and don't forget to holler - Fore! - so, St. Peter and the angels can duck!

Respectfully submitted,
Jack Van de North

Joseph Mast

March 4, 1928 - March 12, 2018

There are three principles in a man's being and life: The principle of thought, the principle of speech, and the principle of action. The origin of all conflict between me and my fellow-men is that I do not say what I mean and I don't do what I say. - Martin Buber

Joseph Mast was born in Minneapolis on March 4, 1928, and lived in St. Paul most of his life. He was a graduate of St. Paul Central High School and the University of Southern California. He began law school at the University of California-Berkeley and graduated from the University of Minnesota Law School in 1956. Among his classmates at Minnesota were Walter Mondale, Joe O'Neill, Lee Bearmon, Roland Faricy, Jr., and his lifelong friend, Don Wiese.

Having lived life to the fullest for 90 years, Joe died at home the evening of March 12, 2018, surrounded by his loving family. He is survived by his wife, Diane, to whom he was married for 59 years and with whom he traveled the world and life, hand-in-hand. He was blessed by two sons: John and Robert (Julie) and two grandchildren, Lauren and Gabriel. He also is survived by his brother, Leonard Mastbaum; his brother Sam Mastbaum predeceased him.

Joe Mast began his law practice in St. Paul with Ralph Stacker's law firm, where he remained for ten years. He then organized his own firm: Mast, Kampmeier & Sweetman. Joe's law practice was wide and varied: personal injury, wills and trusts, real estate, and business (including work for early local McDonald's franchisees and serving as general counsel for Aero Systems Engineering, which manufactured and distributed test cells for jet engines). While practicing law, Joe acquired many apartment buildings that he owned and managed with his family. Having retired from the active practice of law while in his 70s, Joe remained the driving force in the ongoing success of the Mast family real estate business until his death, with his son, Robert, working by his side and now continuing Joe's sound and ethical business practices for succeeding generations.

Joe Mast was smart, tough, hard-working, and a negotiator of remarkable skill and effectiveness. He also was a gentleman and a

scholar, which perhaps today would be characterized as "old school." He could be an intractable negotiator, but he understood that both sides needed to leave the table with a balance of wins and losses. He valued and respected others, whether his clients, other lawyers, his tenants, or the tradesmen and vendors on whom he relied to maintain the quality of the Mast family apartment buildings. John Mast eulogized his father by describing him as a "man who truly lived all of his days in the realm of Martin Buber's I-Thou, a person who never acted for selfish purposes, but a devout person who loved his neighbor to help the overall magnificence and beauty of mankind."

Joe Mast meant what he said and did what he said. He valued quality, consistency, timeliness. He also valued intellect, integrity, and hard work. While a man of steely resolve, he also was a man with an immense capacity to love - most notably his wife, his sons, and his grandchildren. In all that he did, Joe Mast was motivated most clearly by devotion to his family. Their well-being was paramount to him, and in serving their well-being, he was a shining example to his community and his profession. It is the true legacy that he leaves to his family with the unequivocal expectation that it is theirs to carry forward.

Joseph Mast. May his name be for a blessing.

Say not in grief "he is no more" but in thankfulness that he was. -
Hebrew Proverb

**Respectfully submitted,
John P. Bultena
Steve A. Brand**

Hon. Diana E Murphy

January 4, 1934 - March 16, 2018

Judge Murphy was a champion of justice and opportunity for all, and she believed that education was critical in improving the lives of every person. She was a trailblazer, breaking through the glass ceiling when she became the first woman to serve in many key posts:

- First woman judge of the U.S. District Court, District of Minnesota (1980);
- First woman Chief Judge of the U.S. District Court, District of Minnesota (1992);
- First woman jurist on the Eighth Circuit Court of Appeals (1994); and
- First woman Chair of the United States Sentencing Commission (1999).

Born in Faribault in 1935, Judge Murphy grew up watching her father, who was a doctor, and her mother, a nurse, serve the community in their healing profession. She likely acquired her dedication to helping others from those early years. Judge Murphy earned her Bachelor of Arts, magna cum laude, from the University of Minnesota and studied history on a Fulbright scholarship at the Johannes Gutenberg University in Mainz, Germany. While working on her doctorate at the University of Minnesota, she met and married Joseph Murphy, a fellow teaching assistant. They had two sons, Michael and John, and two granddaughters, Laura and Frances, all of whom Judge Murphy adored.

Active in community affairs and human rights issues before enrolling in the University of Minnesota Law School, Judge Murphy graduated magna cum laude, in 1974, and was Order of the Coif and editor of the Minnesota Law Review. After a time in private practice, she served on the Hennepin County Municipal Court, and then the Hennepin County District Court.

In 1980, President Carter chose Judge Murphy to fill a vacancy on the federal court in Minnesota. She then served as chief judge from 1992 to 1994, the first woman to serve as chief judge of a district court in the U.S. Court of Appeals for the Eighth Circuit.

In 1994, President Clinton appointed Judge Murphy to the Eighth Circuit. After 22 years of outstanding service, Judge Murphy took senior status, at the age of 82, on November 29, 2016, and continued to serve until just before her death on May 16, 2018.

In addition to her judicial duties, Judge Murphy demonstrated legendary leadership in many professional and community organizations. A few examples of organizations benefited by her vision and energy include the Federal Judicial Center, the Federal Judges Association, the American Judicature Society, St. John's University, St. Thomas University, the University of Minnesota Foundation, the United Way, and the Minnesota Opera.

Judge Murphy always approached her work with compassion, and she was known for her well-written, fair, and analytically sound opinions. She was one of the nation's leading experts on American Indian law and federal criminal sentencing guidelines.

Judge Murphy especially enjoyed coaching and mentoring the 99 law clerks who worked with her. She had a profound impact on those law clerks, the legal community, and our community in general. We will miss her greatly.

**Respectfully submitted,
Hon. Margaret Chutich
Associate Justice,
Minnesota Supreme Court**

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A Memorial to Judge Murphy was delivered at Memorial Services of the Hennepin County Bar Association on May 1, 2019. It is posted in "Hennepin County Bar Memorials – 2019."

Bruce David Peck

March 21, 1943 - November 14, 2018

Bruce David Peck was born to Thaine and Virginia Peck on March 21st, 1943 in Fairmont, Minnesota. Bruce had an older sister Rosalie, and two younger brothers, Roger and Ron. The three boys had a close relationship built around music, sports, the outdoors and humor, that lasted throughout their lives. After high school, Bruce spent a summer traveling with the carnival before attending college. He graduated from Mankato State University in 1967 with degrees in psychology and sociology and went to work as a probation officer. He had an interest in the law, and enrolled in William Mitchell College of Law, graduating cum pleasure in 1975.

He is survived by his daughter, Robyn, his grandchildren, Andrew and Alayna, his brothers, Roger and Ron, and several nieces and nephews.

Bruce Peck, Poet and Counsellor at Law, was a true Renaissance Man, whom I was fortunate to have as a friend and colleague: Center fielder, woodwind player, poet, droll humorist, and superb Collaborative lawyer (with a capital "C"). Bruce drew on many attributes to reach his goals in life: presented in 1990 with the possibility of finalizing divorces through interest-based negotiations rather than adversarial court appearances, he immediately signed on as a founder and supporter of the Collaborative Law Institute.

As a youngster, smitten with the idea of playing the saxophone, he was smart enough to listen to his father, who urged him to master the clarinet first. And when he beat back throat cancer several years ago, he used his experience as an opportunity to take his poetry to the next level. In the last analysis, Bruce was an artist, defined as one who enriches the world by sharing his feelings through his medium. In Bruce's case, his medium was his life. Whether he was sharing with clients wisdom obtained in our family courts, or pointing out the discrepancies in the meter of a poem, he was a generous sharer of insight and wisdom, as those of us who were privileged to participate in these experiences can attest!

More than 30 years ago, he was one of four lawyers who thought there must be a better way for people to divorce. And from those four pioneers, an international movement with more than 5,000 members around the world has embraced collaborative practice. Few people are privileged to have the opportunity to be part of real change in the world.

I'm reminded of a quote from one of Apple's ad campaigns:

"Here's to the crazy ones. The misfits. The rebels. The trouble-makers. The round pegs in the square holes. The ones who see things differently. . . You can quote them, disagree with them, glorify or vilify them. About the only thing you can't do is ignore them. Because they change things. They push the human race forward. And while some may see them as the crazy ones, we see genius. Because the people who are crazy enough to think they can change the world, are the ones who do."

Respectfully submitted,
Stevan S. Yasgur

Mary Susan Ward

March 6, 1949 - August 29, 2018

Mary Susan Ward was born on March 6, 1949 and she died from pancreatic cancer on August 29, 2018. Mary grew up in Anoka, Minnesota, the 2nd of 4 children of Bill and Mary Ward. A little known fact about Mary's early life is that she was voted Posture Queen in the 8th grade. This placed her in good stead to become the Anoka High School homecoming queen, in her senior year. While in high school Mary met her husband Jon Ekerholm. Mary and Jon had one daughter, Andrea Ekerholm Jensen. Andrea was the pride and joy and center of both their lives.

After high school, Mary enrolled at St. Cloud State University. There she earned a BA in Education. Mary taught 3rd graders in the Osseo School district. After a few years of teaching, Mary set her teaching career aside and enrolled at Hamline Law School. She graduated from Hamline in 1980.

Mary's first job out of the law school gate was at First Trust Company of St. Paul. This began her 40-plus year career as a trust administrator. When their daughter was in high school Mary and Jon moved to Sarasota, Florida, where Mary helped establish First Trust Florida. Just when Andrea was about to attend college, First Trust Florida was bought by Bank of Boston. At that point Mary's family moved back to the Twin Cities to be closer to family and so Andrea could attend college in Minnesota.

As many of us know, Mary was a tireless volunteer with the State and Ramsey County Bar Associations. Mary served on the RCBA Executive Committee as Secretary, Treasurer, and ultimately, President. She was a devoted and hardworking member of several committees - Ethics, Diversity, Bench and Bar Benefit, and this Memorial Committee, to name just a few. In 2013, Mary was honored with the Distinguished Humanitarian Service Award. Among other things this shows us that Mary contributed in a very significant way to the leadership and development of law in our community. She demonstrated humanitarian service to our bar and community. It is the highest honor bestowed each year to one of our own by the RCBA.

If that is not enough, Mary also worked year in and year out as an MSBA volunteer. The list of her achievements and contributions are too numerous to mention in the time allowed today so let me summarize - Mary represented Ramsey County in the State Bar Assembly, she served on its Council, she planned several State Bar Conventions, she participated in Minority Summits, Amicus Society, and countless other task forces.

After retiring from US Bank, Mary revived and retooled her teaching skills. She taught English from her home in Inver Grove Heights, over the internet to Chinese students in China.

Mary stayed connected to and devoted to friends from all parts of her life. She maintained close connections to her Anoka High School classmates. Mary also attended meetings of her group affectionately known as "Club." This group of 4 or 5 women had fun, met frequently as friends and supported each other through all major and minor events in their lives.

Mary was predeceased by her husband Jon, her parents and younger brother Paul. She is survived by her sisters Anne and Shannon and their husbands and families.

Mary is also survived by her daughter Andrea and Andrea's husband Andy Jensen. They are proud parents to Mary's 6 grandchildren; Helen, William, Phillip, James, Charlie and George were the lights of Mary's life. Mary, as a devoted and doting grandma, spent countless hours in steamy swim meet venues, cheering on all of the grandkids. She treated the grandkids to season tickets to the Children's Theater in Minneapolis every year. As each grandchild grew old enough, Mary took them, one-on-one, on trips to special places like San Diego, Seattle and New York City. They also spent many nice summer vacations on Cross Lake in Northern Minnesota. Mary fully embraced the chance to spoil and treat her grandkids generously and lovingly.

There is symmetry here as that's exactly how Mary treated all she met - her friends, her colleagues, her Trust customers as well as her grandkids. Mary treated everyone generously, selflessly and ably.

Respectfully submitted,
Elizabeth J. Keyes
Martin Fisk

FOUNDATION GIFTS

If you wish to honor a colleague's service to the legal profession, please consider making a memorial contribution to the Ramsey County Bar Foundation. The family of the deceased will receive acknowledgement of your gift. Please also consider leaving a legacy to the foundation through your will. For more information, please contact Cheryl Dalby at 651.222.0846.

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