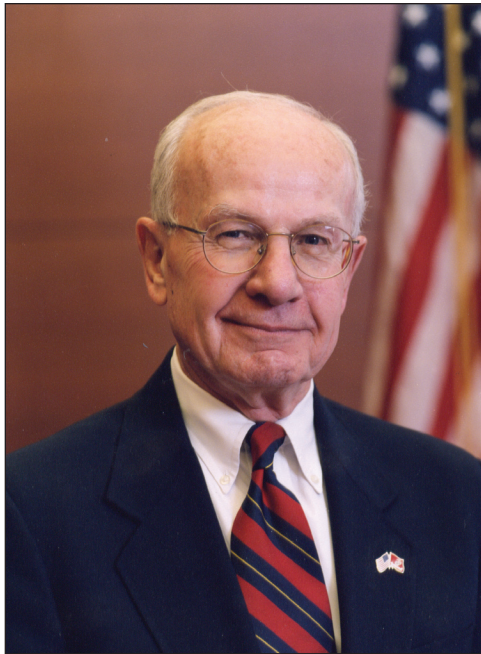


Judicial Profile

PATRICK M. ARENZ

Hon. David S. Doty, U.S. District Judge, District of Minnesota: A Gentleman on the Bench

WHILE ATTENDING COLLEGE, Judge David S. Doty would not have guessed that someday he would have a dramatic impact on the National Football League. Three weeks into football practice at the University of Minnesota, Judge Doty



after having been repeatedly bruised and battered, began to question whether football was really his calling. He recounts that once, after practice, he fell asleep in the bathtub while studying trigonometry. The book's red dye colored the water in the tub, leading his mother to think he had died. Shortly thereafter, he reached the decision that football was not for him, and he focused instead on academics.¹ The decision about his career would not stop him, however,

from playing a significant role in shaping professional sports.

Judge Doty presided over the landmark antitrust case between the players and the NFL. In 1992, Judge Doty allowed the players' suit to proceed to end free agency after he determined the League's exemption no longer applied. He then presided over a jury trial in which the jury determined that the NFL violated antitrust laws, because its limited free agent system was a restraint that had a harmful effect on competition for players' services. Judge Doty subsequently played a significant role in the settlement of that dispute, and he continues to preside over issues that arise between

the players and the NFL.

Judge Doty's legacy is far greater than the effect of his decisions on the NFL, however. Having practiced law for more than 25 years and with almost two decades (and still counting) on the federal bench, Judge Doty is known for his commitment to public service, his continued promotion of civility and professionalism, and his exceptional work as both a trial lawyer and a judge.

A Minnesota Marine

Judge Doty was born and raised in Minnesota. After graduating from the University of Minnesota, he accepted a commission in the U.S. Marine Corps. While he was in the Marines, some young attorneys in his unit convinced him to attend law school. Judge Doty's first day at the University of Minnesota Law School was the day after his discharge from the Marines; he began his law studies with his civilian clothes still unpacked.² Judge Doty became a member of the Law Review and graduated with honors.

Shortly after completing law school, Judge Doty joined the Minneapolis law firm of Popham, Haik as its sixth attorney. Over the next 25 years, Judge Doty became a named partner as the firm grew to more than 100 lawyers. During Judge Doty's practice, he was a trial lawyer and generalist.

U.S. Sen. David Durenberger submitted Judge Doty's name to fill a vacancy on the Minnesota federal bench and President Ronald Reagan appointed Judge Doty to serve as U.S. district judge.

Thus, on May 21, 1987, Judge Doty was sworn in; with his swearing-in he realized that he had left a large firm and, in a sense, had returned to a small one. He has always likened his chambers to a small law firm, consisting of the judge, a judicial assistant, a courtroom deputy, a court reporter, and two law clerks—all of whom work closely together. Indeed, Judge Doty today has the same judicial assistant, Pat McGinty, and the same courtroom deputy, Connie Baker, as he had the day he assumed the bench. Taking senior status on June 30, 1998, Judge Doty nonetheless continues to preside over a full caseload.

A Public Servant

When asked why he gave up a lucrative private practice to become a judge, Judge Doty jokingly replies, "I wasn't as successful as people think." Judge Doty went on the bench because he wanted to be of service to people, reflecting his belief that people should give back to their community. This belief was formed long before he became a judge.

Judge Doty served his country by giving six years of his life to the Marine Corps, where he became a captain, handling tremendous responsibility. At the age of 28, he was stationed in Okinawa and commanded an artillery battery with atomic weapons. To this day, Judge Doty's Mameluke Sword, the cherished Marine sword, hangs in his chambers in honor of the Marine Corps. He also hosts a Marine Corps birthday celebration every Nov. 10, which includes a ceremonial cake-cutting.

Judge Doty decided to become a lawyer because the profession offered him additional opportunities to help others. While in private practice, Judge Doty's record of public service and pro bono work was exemplary. He was president of the Hennepin County Bar Association, the Minnesota State Bar Association, and the Minnesota Law School Alumni Association. He volunteered with the Minnesota Volunteer Attorney Program, with Legal Advice Clinics in Hennepin County, and with the Minnesota Legal Services Coalition. He also chaired the judicial merit selection board, which recommended candidates for the state's district and supreme courts.

Judge Doty's public service extends beyond the legal field. He served on the board of the Minnesota Public Library for 10 years and did volunteer work for the Minnesota Orchestra Association and the Minnesota Hearing Society. Judge Doty also helped establish aid programs for indigent and distressed farmers. In addition to his public service and volunteer work, Judge Doty remembered the need to help train the next generation of lawyers, teaching at William Mitchell College of Law and judging moot court at the University of Minnesota Law School.

While serving these organizations and volunteering his time, Judge Doty maintained a full workload at his rapidly expanding law firm.

Professionalism Defined

Judge Doty is also known for his commitment to professionalism, which he has simply and effectively defined as "acting like you know you should." While president of the Minnesota State Bar Association, Judge Doty tackled the public's negative perception of lawyers. He established a task force to address professionalism. In his monthly column in *Bench and Bar of Minnesota*, Judge Doty also profiled the qualities that make a lawyer a professional and challenged attorneys to exceed the standards required by the bar. He emphasized: "It seems to me that those lawyers who are true professionals adhere to standards of honesty that



At a recent Federal Bar Association event honoring him, Judge Doty is pictured with some of his former law clerks and his judicial assistant, Pat McGinty; his courtroom deputy, Connie Baker; and his court reporter, Lorilee Fink.

go beyond the requirements of the rules."

Judge Doty has done more than write about being a professional. He carries himself as one. Judge Doty is known for being courteous, compassionate, and civil. Cary Johnson, one of the judge's first law clerks, sums up the judge in one word: a "gentleman."

Judge Doty's interactions with others evidence his civility, humility, and compassion. Barbara Berens, a former law clerk, emphasizes that Judge Doty treats everyone with respect and courtesy. He is not impressed with titles or status but, instead, views and treats everyone as an individual. She remembers her first day at work, when Judge Doty came off the bench and found her on the floor, trying to fix her desk chair. Judge Doty instantaneously got down on his hands and knees—while still in his robe—and fixed her chair.

Judge Doty's actions on the bench further demonstrate his commitment to courtesy and professionalism. He does not chide or embarrass anyone who has made a good faith effort to conform to the rules. The judge maintains a deep-rooted belief in, and respect for, the judicial system. He is also conscious of his enormous power and responsibility as a federal judge and, specifically, his power to sentence criminal defendants. He thus makes a point of touring federal prisons with his law clerks so that he can observe firsthand the places where criminal defendants live as a result of his sentences.

Judge Doty's reputation for courtesy and civility should not be seen as an indication that he is a pushover, however. Attorneys have said that the judge "runs his courtroom like the former Marine that he is. It's orderly, punctual, and exacting." Accordingly, Judge Doty expects lawyers to interact courteously with opposing counsel and to follow the rules. If they do not, he will let them know about their missteps.

Judge Doty puts the interests of the case before him over his personal convenience. Randy Kahnke, a former law clerk, recalls one of Judge Doty's trials,

which, at the time, was the most substantial criminal prosecution in Minnesota. Because the case involved more than 20 defendants—which overloaded Judge Doty’s Minneapolis courtroom—Judge Doty moved the case to the courthouse in St. Paul and used the courthouse’s library as his chambers. Kahnke remarks that for Judge Doty “getting the job done right” is the overarching concern.

Career in the Courtroom

Judge Doty was a trial lawyer for 25 years before assuming the bench. He fought off the trend to specialize and practiced as a generalist. He was thus able to bring a wealth of experience and practical wisdom to the bench. In addition, he brought a dedicated work ethic and high intellect to his chambers.

Based on his experience as a trial lawyer, Judge Doty is known as a lawyer’s judge. “All he wants to do is be on the bench trying cases,” says Berens. Lawyers who are aware of his reputation want him on the bench as well. They comment that Judge Doty “lets lawyers try the case” and is an “[o]ld trial lawyer who understands that the courtroom is a place for lawyers and parties.” Berens agrees, adding that “Judge Doty views his job as calling balls and strikes, but recognizes that it’s the lawyers’ job to present their cases.”

Because of his respect for and confidence in the jury system, Judge Doty also gives lawyers substantial freedom. As he explains, “We ask juries to do things that intellectual giants could never do. The way in which they arrive at that decision, by going into a room and arguing on the basis of facts, ensures that they will make a good decision. I have never seen an insincere jury. They all are there to do the best job that they can.”³

Judge Doty is also well-known for his assiduous work ethic on the bench. Within months of taking the bench, Judge Doty realized that he was working far more hours a day than he did when he was in private practice. His law clerks note that he works every Labor Day as well. This work ethic is not lost on his law clerks. On their first day, Judge Doty points them to a framed Omar Bradley quote in his chambers, which reads: “A second-best decision quickly made and vigorously carried out is better than the best decision too late arrived at and halfheartedly carried out.” According to Pat Williams, a former law clerk this message provides the clerks a life-long lesson, but it also gives them a more immediate one: “Get your work done.”

Unquestionably, Judge Doty is a hard worker, but he also knows how to relax. He enjoys spending time with his family. Judge Doty has been married for more than 50 years to Mary, and they have three children: Laura, John, and Robert. The judge is also known for enjoying a good cigar. One of his former partners in private practice recounts that Judge Doty’s fondness for cigars led to at least one fire alarm going off in the firm’s office building—the largest building in Minneapolis.⁴

In addition to his solid practical experience and deep Marine work ethic, Judge Doty brings to the bench a keen intellect, open-mindedness, and intellectual curiosity. Berens recalls that Judge Doty always grasped complex patent cases quickly. “Judge Doty has excellent mechanical aptitude” and loves figuring out how the patented product works. He considers a good brief and oral argument “like a good law school lecture.” Judge Doty rarely rules from the bench, however, because he constantly thinks about and scrutinizes the issues in front of him before arriving at a conclusion. This is one of the reasons he loves the job. “It’s the most intellectually challenging job I can imagine. You never get bored.”⁵

A Path Well-Chosen

As it turns out, Judge Doty made the right decision in pursuing his studies and law over a career in football. Not only did he make the correct decision for himself, as is evident by his continued success and accomplishments over the years, but it was also the right decision for all those he has served. As a Marine, a lawyer, and a judge, Judge Doty has demonstrated what it means to be a professional and a gentleman.

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Endnotes

¹Alison Muscatine, *His Honor Tackled Case with Aplomb But Judge Doty Says that Other Cases Have Had More Impact*, THE WASHINGTON POST at C6 (Sept. 30, 1992).

²David Carr, *The Senator and the Judge*, MINNESOTA LAWYER at 12 (Aug. 1986).

³*Id.* at 13.

⁴Raymond A. Haik, *Federal District Judge David Doty*, THE HENNEPIN LAWYER, at 15 (July–Aug. 1987).

⁵Muscatine, *supra* n. 1.