



## Judicial Profile

by Charles E. Nelson

# Hon. Robert J. Kressel U.S. Bankruptcy Judge, District of Minnesota

I serve as a law clerk to Hon. Robert Kressel, a bankruptcy judge in the District of Minnesota. My typical morning begins not at the federal courthouse but, instead, in an argument with my son, Dash. (He is four years old and very particular.) I try to accommodate with a stringent routine, but he sometimes throws me a curve ball just as we are about to walk out the door:

“I want to wear my suit.”

“Dash, today is pajama day. You have your pajamas on. We need to leave now.”

The crying begins.

“Look, Dash, if you wanted to wear your suit, you should have let me know earlier, we don’t have time to change right now. You can wear your suit tomorrow.”

Reasoning fails, the crying continues.

“OK! That’s it! We have to go or Daddy will be late for work.”

Inevitably, I manage to get out the door with barely enough time to get my two little ones to daycare. I then hustle to arrive in chambers by 8:30 a.m. By the time I get there, Judge Kressel has already been working for an hour and a half. A hot pot of coffee, from beans ground daily, awaits my arrival. I pour myself a cup and join Judge Kressel and his judicial assistant, Lynn Hennen, to begin the day.

To the casual observer, I’m sure it appears the three of us are simply engaged in a garden variety kibitzing session. Initially, this induced feelings of guilt when I reflected upon my terseness with Dash in my efforts to arrive on time ... merely to drink coffee and chat. But, after nearly two years of clerking, I now realize how invaluable this daily meeting is to the smooth operation of Judge Kressel’s chambers. Our chambers’ relationships are strengthened through discussions of local legal and political news, upcoming hearings and trials, and Eighth Circuit developments. On most occasions, I’m the recipient of lessons about the Bankruptcy Code, district case law, and mentoring on how to be a successful lawyer. Sure, there is chitchat about the weekend and what happened last night on *The Big Bang Theory*, but serious business takes place. Most organiza-



tions would call this meeting an operations or update meeting. In Judge Kressel’s chambers, it is simply “coffee time.”

### The Chambers Family

Coffee time is a common experience among former law clerks to the judge. The lessons learned are similar as well. Former clerk Rob Parish says that frequently, when he is faced with a legal question, he actually hears Judge Kressel ask, “What does the statute say?” It is a basic tenet of Judge Kressel’s legal purview that language is powerful and analysis always begins by reading the statute.

Another lesson is equally clear to anyone that has ever appeared before Judge Kressel. He believes rules and pro-

cedures are paramount. Because of the manner in which the judge demands rule adhesion and courtroom decorum, the local bankruptcy bar has turned his last name into an adjective, *e.g.* “I was Kresselized.” To Judge Kressel, this is a dubious distinction. He would much rather be known for his innate ability to winnow a complex legal conflict to the essential points of law that plainly frame the outcome. Judge Kressel often laments that he earned his Kresselizing reputation early in his career, and has been unable to change it. A lesson he passes to all of his law clerks and, for that matter, any young attorney open to mentoring: guard your reputation. It is easy to damage and tough to repair. From my point of view, avoiding Kresselization is simple: be prepared. I’m sure that it is easier said than done—but, like a diamond from coal, the Kresselized attorney benefits from the process and is better equipped for the next courtroom appearance.

Of course, working with Judge Kressel day in and day out, a law clerk gets to know the less public, softer side of the judge. During Erin Darda’s clerkship, for example, the bankruptcy judges in the District of Minnesota were offered the opportunity to preside over naturalization ceremonies. She fondly recalls how Judge Kressel viewed this new assignment as an honor and a privilege. Darda says, “He wanted to strike the right tone. He put a lot of work into his remarks to recognize their arduous journey to citizenship, emphasize the great responsibility symbolized by the oath, and yet encourage them to continue to celebrate their culture, heritage and traditions.” Typically, Judge Kressel stays for as long as it takes after the ceremony to pose for pictures with the new citizens and their families.<sup>1</sup>

Another former clerk, Lori A. Vosejpka, notes that Judge Kressel “encouraged us to be not just good lawyers but good people, who practiced law with honor and integrity. He certainly modeled that in the way he has served on the bench.” As the current law clerk, I have an unofficial, additional duty to organize a clerks’ dinner once a year around the anniversary of Judge Kressel’s appointment to the bench. Such a dinner was held this past December, when the clerks gathered to reminisce, laugh, and honor their mentor.

After nearly 30 years on the bench, Judge Kressel retired in June 2012. He continues to sit a three-year recall authorized by the Eighth Circuit Judicial Council. While he is not leaving the bench just yet, this momentous occasion serves as an opportunity to look back on Judge Kressel’s remarkable journey.

## **In the Beginning**

Way back in 1982, an attorney with the U.S. Trustee’s Office had a meeting that he thought was sure to be the pinnacle of his legal career. Robert J. Kressel was on his way to meet with Chief Judge Miles Lord and the five other judges of the U.S. District Court for the District of Minnesota and the topic of discussion was to be Bob Kressel. Thankfully, not only for the judge’s career, but also for the District of Minnesota and the world of bankruptcy, this meeting was not the highlight of his career. Despite his

answer of “Everything!” to the question, “How much do you know about bankruptcy law?” the judges of the District of Minnesota saw it prudent to appoint Bob as the newest bankruptcy judge in the district.

Judge Kressel was not always determined to study the law. Upon graduation from Benilde High School in St. Louis Park, Minn., he chose to major in mathematics at the University of Notre Dame. This certainly explains why conversations with and opinions authored by Judge Kressel often contain mathematical terms and concepts such as “nominal” and “infinitesimal.” Upon graduation, however, Judge Kressel decided he didn’t want to become a math professor. So, he decided to study law at Harvard Law School.

Between his 1L and 2L years, Judge Kressel returned to the Twin Cities to clerk for his father’s law firm. It was during this summer that he met a legal secretary working for his father who would become

his partner in life: Chris Kerper. They married the following summer before his 3L year and began a life together that now includes two children, eight grandchildren, and plenty of Zen—their newest grandson.

After law school, Judge Kressel came home to work for his father. It was a small firm with a varied practice—everything from family law to criminal law. One of the tougher lessons Judge Kressel learned while working for his dad is that business is business. This tough lesson was learned when, due to financial pressures, his dad had to fire his son from the practice. Luckily, after a brief stint as a solo practitioner, a position with the U.S. Trustee’s Office became available. Judge Kressel jumped at the opportunity—it was the beginning of his foray into the world of bankruptcy.

Beginning in 1979, first as a bankruptcy analyst, then as an assistant U.S. trustee, Judge Kressel helped this region’s—what is now Region 12—first U.S. trustee, Bill Westphal, create and implement programs for the nascent U.S. Trustee’s Office. Three years later, on Dec. 6, 1982, after regrettably declaring to the six judges of the District of Minnesota that he was a bankruptcy law genius, Judge Kressel was appointed to the position of U.S. bankruptcy judge for the District of Minnesota.

Upon learning of his appointment, Judge Kressel was informed that he would soon have the authority to preside over marriage ceremonies. Light of foot and dizzy of mind on his way to see Chief Judge Lord, Judge Kressel asked the chief judge’s legal secretary if she happened to be married. A negative response was greeted with an exuberant, “If you ever want to get married, let me know. I’ll marry you!” To this day, she remembers the impromptu marriage proposal.<sup>2</sup>

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**—Lori A. Vosejpka,  
former law clerk to  
Judge Kressel**

## The District Family

Not too long after his appointment, three new judges, who have been Judge Kressel's colleagues for the majority of his career, were appointed in rapid succession. Judges Dennis D. O'Brien and Gregory F. Kishel were both appointed in 1984. In 1988, the district court appointed Judge Nancy C. Dreher. These four judges, representing a complete turnover of the bankruptcy bench and appointed in the span of six years, served the District of Minnesota together for 24 years. Each of them had a special relationship with the district's "bankruptcy guru" and longtime chief deputy clerk, Raeder Larson. Judge Kressel and Raeder were part of a group that ushered the newly passed Bankruptcy Code into practice beginning in 1978. Judge Kressel considered Raeder a teacher, mentor, and friend. Raeder retired from the Clerk's Office in 1994 and passed away in 1998. To this day, if you appear before Judge Kressel, you will see one of Raeder's quirky clip-on ties peeking out from behind his black robe.

The four judges shared many weekends together at Judge Dreher's cabin in Cable, Wisc. They cheered every milestone and felt each setback as their families grew, first with children and then with grandchildren. Each judge took at least one turn serving as the chief bankruptcy judge. In 2004, the bankruptcy judges for the District of Minnesota appointed the first woman to serve as the clerk of a federal court in the District of Minnesota: Lori A. Vosejpka, one

of Judge Kressel's former law clerks. It is rare today to spend your entire career with one organization; it is even rarer to spend your entire career with the same colleagues and friends. Lynn Hennen, Judge Kressel's judicial assistant, has been with him for 26 years; his court recorder, Kathy Barksdale, 24 years; and his calendar clerk, Carrie Nordstrom, was with him for 21 years.

For the first time in a quarter of a century, the bankruptcy bench in Minnesota is turning over. Judge Dreher lost a lengthy battle with lung disease and passed away on Nov. 23, 2012. Judge O'Brien will retire this summer. By next fall, three new judges will be a part of the Minnesota bankruptcy bench. While he has never said as much, I personally believe that one of the reasons Judge Kressel is volunteering his time on recall is so he can "Raeder" the newly appointed judges. Hopefully, all three of them will take advantage of coffee time. ☺

## Endnotes

<sup>1</sup>The one exception: the largest naturalization ceremony in the history of the District of Minnesota, swearing in 1,509 new citizens. See [www.startribune.com/local/minneapolis/169399466.html](http://www.startribune.com/local/minneapolis/169399466.html).

<sup>2</sup>Judge Kressel later had the honor of presiding over the marriage of his first law clerk, Jane Welch, and her husband Dan, and the marriage of his son and daughter-in-law, Ben and Jane.