

Chief Judge Paul A. Magnuson

By
Gregory L. Wilmes

"He's Holmes all over again." "Move over Ben Cardozo!" "He's a fun guy to go fishing with." These are descriptions of Paul A. Magnuson, chief judge of the United States District Court for the District of Minnesota, provided by anonymous respondents to a statistically valid random sample survey of legal scholars conducted by the author. Yours truly decided to look into the background of Judge Magnuson to find out what made for such a man.

I began my research by scheduling a phone interview with the judge, through his notoriously efficient administrative clerk, Janet Fesler. The interview went something like this:

Me: Hi, your honor. Thanks for taking the time for a profile interview for *The Federal Lawyer*.

Judge: My pleasure. I'm not sure there are too many people interested in my background. But what would you like to know?

Me: You know ah, umm, the usual things. Like, what's your sign? What's your favorite color? If you could be any kind of animal for 48 hours, what would you be? The sorta things they ask finalists at the Miss America contest. You ready?

Judge: I have a jury that just came in with a verdict. I have to go. We'll have to take this up later.

CLICK.

Foiled in my attempt to get the story directly from the horse's mouth, I decided to resort to more reliable sources — the judge's spouse, staff, ex-law clerks and others who, no doubt, had taken some confidential vow of total secrecy. They were more than ready to tattle for *The Federal Lawyer*.

Daisy. This is the name of the pony Judge Magnuson rode as a boy to the one-room school house in Carthage, S.D. in the early 1940s. As a boy, he stayed away from gangs, except for 4-H. As was not uncommon at that place and time, he raised cattle and took them to the state fair in search of a prize.

Farm life was not for him. Judge Magnuson packed his bags and left the farm the year I was born (1955), headed for college at Gustavus Adolphus in St. Peter, Minn. Known as "Ox" to some college classmates, the judge played football when not manning the microphone at the college radio station. Extracurricular activity did not adversely affect his grades, as Gustavus Adolphus awarded him a degree in 1959. One can only imagine what his mother — who always hoped he would become a preacher — must have thought when he announced his

intent to attend law school instead. William Mitchell College of Law was impressed too, hiring him to serve as assistant registrar at the school and then awarding him a law degree in 1963.

"I've been married to him for 38 years, and if I say he's a nice guy, there must be some truth to it." So says Sharon Magnuson, Judge Magnuson's wife of, well, 38 years. And she is nobody to fool with. As a four-time Minnesota state debate champion (second in the nation once), and a national finalist in extemporaneous speaking, she ought to know what she is talking about. "Six-foot-two and eyes of blue." Sharon says in his college days the judge looked like actor Aldo Ray, then popular with the college crowd.

What good would a profile be if we wrote about only the judge's uncountable good traits (patience, courtesy, brains, a good heart, etc.)? Everybody knows about those anyway. We know what the reader wants. Good gossip, right? Here goes.

His favorite color is blue. This is not to say he can't see red when lawyers play games in his courtroom. He just can't see it well. A source — she was promised anonymity to protect her 38 year marriage — says Judge Magnuson is color blind. This is not uncommon in males (about 10 percent of us have a mild red/green color blindness, the author included).

He is comfortable in his courtroom. He ought to be. With 16 years on the bench, he has learned a lot since his 1981 appointment by President Reagan. Calendar Clerk Suzanne Ruiz estimates the judge, on average, decides five dispositive motions a week. Simple reckoning shows that amounts to about 260 motions per year, or 4,160 over his career to date. This is slightly more than the average lawyer argues in several lifetimes, so it's hard to put one past the judge. Visiting lawyers can expect a judge who has read the briefs, who has probably made a tentative decision based on them, but who is open to be persuaded otherwise. Be polite and courteous, and you will get the same in return. Sorry, the judge cannot always rule in your favor.

He is a hard worker. One former law clerk recalls making points with the judge by working on Easter Sunday. The judge stopped by chambers to pick up briefs for evening reading, gaining an opportunity to observe firsthand the clerk's obsequious demonstration of adherence to the work ethic. Perhaps secretly delighted that staff was working on Sunday, the judge graciously overlooked the fact that the clerk was also smoking one of the judge's prize cigars (something the judge has since given up).

Judge Magnuson is good at handling complex cases. A search of the case law shows a number of multi-district litigation panel cases under his supervision, such as *In Re*



TMJ Products Liability Litigation, MDL-1001, 872 F.Supp. 1019 and 880 F.Supp. 1311 (D. Minn. 1995), and *AT&T Equipment Lease Contract Litigation*, MDL-1781. Large class actions and other complex cases handled by the Judge are in the law books too. He also knows something about bankruptcy, although not from any personal experience. The judge served for almost a decade on the Judicial Conference Committee on the Administration of the Bankruptcy System, including a three-year stint as chair of the committee (1993-1996).

A shepherd for a herd of cats would know what its like to be chief judge for the Minnesota federal district court, a role Judge Magnuson has filled since October 1994. Minnesota's all-around strong federal bench (we really are lucky here) makes the chief judge's job easier than it

might be otherwise. The judge has experience working with small groups of good lawyers. He spent 18 years in private practice with the South St. Paul firm of LeVander, Gillen, Miller & Magnuson, a small shop that produced two governors, one senator, one congressional representative, two state supreme court justices, one U.S. attorney and one federal judge.

His judicial duties carry him far from the South Dakota fields of his youth, and literally so. His recent work has taken him to Mongolia, China, Kazakhstan, and the Kyrgyz Republic, as representative of the Judicial Conference Committee on International Judicial Relations. His only language is English, but he remembers a few Swedish phrases from his childhood. He can also read, write, and send e-mail.

As of late, the judge has taken to working in his shop, putzing with saws, tools, and the like. His natural talent as a putzer and tinkerer likely comes from his father, who was a farmer, builder, and putzer too. The judge's interest here bloomed late, perhaps encouraged by the presence of two grandkids who are often around to help. Yes, the judge does a little fishing too. When not judging, palavering in Ulaanbatar, or herding cats, he can sometimes be found in far northern Canada trolling for the big one.

During our survey — we really did this — we asked random passerbys to name their favorite federal chief judge. No one — no-

body, anywhere, historical figure or otherwise — was named more often than Paul A. Magnuson. We like him here. Now maybe you know why. ■

Gregory L. Wilmes is a lawyer and sometime writer, who wishes he were smart enough to be a scientist. Now practicing primarily in the securities arbitration and federal appellate areas, the author is also a member of the Lake Elmo Federal Bar Association (LEFBA), a group of former law clerks whose sole official purpose is to gather once a year to venerate Judge Magnuson.

