

After completing a criminal trial that has lasted weeks, *Judge Ann Montgomery* sits in her office, which overlooks the Mississippi River. Today, she is reviewing a patent dispute case, reading motions concerning ERISA issues, and studying briefs regarding upcoming sentencing matters. This variety of legal cases and issues is one of her favorite aspects of her job as a federal district judge. The judge's favorite hobby is playing, watching, and supporting women's basketball. These divergent interests come as no surprise, because everything in Judge Montgomery's distinguished career reflects her passion for law and for life.

Judge Montgomery was born and raised in Litchfield,

As a judge in Hennepin County, Judge Montgomery handled a significant load of both criminal and civil cases. During this time, she was widowed and subsequently married local lawyer, Ted Smetak. In 1994, while she was in her 11th year as a state court judge, Judge Montgomery was selected to be a federal magistrate judge. Because magistrate judges are chosen by other judges, and not appointed by politicians, Judge Montgomery is just as proud (if not more so) of her selection as a magistrate judge and found her experiences as a magistrate judge very rewarding.

In 1996, President Bill Clinton appointed Judge Montgomery to the U.S. District Court for the District of Min-

Hon. Ann Montgomery
U.S. District Judge, District of Minnesota

By Megan D. Hafner

Minn., located about 60 miles west of Minneapolis. A love of all things basketball sent Judge Montgomery to the University of Kansas to pursue her undergraduate degree while playing basketball for the college. After graduating, she initially intended to become a teacher. Instead, she moved back to Minnesota and decided to attend law school at the University of Minnesota.

After law school, the judge began working as a trial lawyer for the U.S. attorney's office in Minneapolis, a position she held for seven years. Over the course of trying a substantial number of cases, she realized how much she enjoyed doing trial work and working with juries and other lawyers. She appreciated both the mystical and practical aspects of trials.

On the one hand, she never knew how the proceedings would unfold; on the other hand, convincing jurors of her view of the case was reminiscent of her day-to-day interactions when she was growing up in the small town of Litchfield.

In 1983, while in the midst of starting and raising a family, Judge Montgomery was appointed to the municipal court in Hennepin County, Minn. (which later became the Fourth Judicial District of Minnesota). At the age of 34, she was one of the youngest judges ever appointed in Minnesota and one of the first women appointed to the bench. Her father (a prosecuting attorney in Meeker County, Minn.) — along with her mentor, Judge Robert Renner — advised her to wait 10 years before becoming a judge. She considered this advice, but she did not heed it.



nesota. Judge Montgomery thoroughly enjoys her career as a federal district judge. In particular, she enjoys the variety of cases over which she presides. On any given day, she reviews civil and criminal cases with a multitude of legal issues. Her caseload is split evenly between civil and criminal cases. Although, given the nature of criminal proceedings, she often spends more time with criminal attorneys than with civil attorneys. As with all judges, Hon. Ann Montgomery takes her sentencing responsibilities seriously. She has no difficulty sentencing people for their crimes, but she is mindful of the "wave effect" the sentence will have on the families of those being sentenced. Judge Montgomery has said that, if she ever finds herself conducting a sentencing without reflecting on

its far-reaching impact, she would think it was time for her to move on.

Throughout her tenure as a judge, Judge Montgomery has taken time to teach and train law students and new lawyers and judges. She spent several years teaching at the University of Minnesota Law School and was a director of the Minnesota Judicial College. Her teaching experiences encouraged her to remain relaxed in the courtroom and to allow lawyers to present their cases without her constant intervention. She often went straight from the courtroom to the classroom with a long list of dos and don'ts.

In addition to evaluating her as smart and incisive, the overwhelming consensus among practitioners is that Judge Montgomery strives to be fair. Often her most ar-

dent supporters are those who have not been on the winning side in her courtroom. It is difficult to find a judge who has been on the bench as long as Judge Montgomery has been and is so universally well respected by lawyers on both sides of cases. Perhaps this is because these lawyers know that she will listen to them and give serious consideration to their positions. On the rare occasion when one of her decisions is overturned by the Eighth Circuit Court of Appeals, she has been known to call and sincerely congratulate the lawyer who successfully appealed her decision.

Her loyal following of current and former employees demonstrates Judge Montgomery's benevolence. Her secretary, Tammy Uber, has been with Judge Montgomery since her days as a state court judge. Judge Montgomery's numerous former law clerks also uniformly speak highly of her.

In contrast to some judges, Judge Montgomery does not employ any career law clerks. Rather, the judge has two law clerks, who serve two-year terms with her on an alternating basis, with a new law clerk starting each year. For several reasons, Judge Montgomery considers term positions, rather than career positions, to be the best approach to law clerks. She finds that, in many ways, the short-term law clerks rejuvenate her chambers; they satisfy her desire to work with different people and personalities. In addition, one of the biggest advantages of term law clerks is that they keep the judge current on developments in the law. Each year, when a new law clerk arrives, Judge Montgomery spends time reviewing and verifying the clerk's research and analysis of the law. Another advantage of term law clerks is the cost savings to the court — an issue that is important to Judge Montgomery as a member of the Judicial Resources Committee. As with every company or organization today, the court system struggles with a tight budget and strives to determine the most efficient use of judicial resources, including salaries. Using term law clerks grants new lawyers a valuable learning experience and encourages judges to keep in touch with the changing landscape of lawyers and legal issues while achieving a major cost savings in the form of reduced salaries for law clerks.

Judge Montgomery is often described as down-to-earth and approachable. This spreads beyond her courtroom and chambers to other areas of the federal courthouse: She recently joined her first book club, which was started by women probation officers at the courthouse.

Even though she has every intention of remaining a federal judge for as long as she is able to do so, Judge Montgomery has learned the importance of balancing her judicial career with her life outside the courthouse. She enjoys spending time with her husband and their three daughters. Despite both having careers in the law, Judge Montgomery and her husband spend little time discussing legal issues or current high-profile legal cases. In-



Judge Montgomery with her kayak, *Abuse of Discretion*.

stead, they spend significant amounts of time pursuing several other areas of interest, including extensive travel. Their sense of adventure is demonstrated by the exotic locales of their travel: She and her husband recently traveled to Patagonia and are making plans for a trip to Antarctica. These vacations are part of a conscious decision to take time each year for travel and a desire to visit every continent.

In recent years, Judge Montgomery and her husband have created an expansive system of ponds and gardens at their home. Judge Montgomery's husband has also just completed a hand-built mahogany kayak for her. As evidence of her dry, self-deprecating sense of humor, the kayak is named *Abuse of Discretion*.

Most important, Judge Montgomery remains a huge basketball fan. She and her husband regularly attend University of Minnesota Gopher Women's basketball games as well as Minnesota Lynx professional basketball games. In fact, Judge Montgomery has joked that the only other career that could possibly tempt her away from the law would be a position as commissioner of the WNBA. Lucky for us, there doesn't seem to be a risk of that happening anytime soon; it appears that the variety and intellectual challenge of the law continue to be a passion for Judge Montgomery (along with her passion for basketball). **TFL**

Megan D. Hafner practices civil litigation with Terhaar, Archibald, Pfefferle & Griebel LLP in Minneapolis.