



Hon. Susan Richard Nelson

Senior U.S. District Judge, District of Minnesota

by Marilyn Conklin



Marilyn Conklin has worked with Judge Nelson for nearly 30 years, first, as an associate on tobacco litigation, and later, as a career law clerk. Together, they have shared personal and professional milestones, years of friendship, and binders full of legal briefs.

Senior U.S. District Judge Susan Richard Nelson of the District of Minnesota is among an accomplished group of women lawyers who earned their law degrees and entered the legal profession during the 1970s. She spent her early years as a lawyer in a field in which women were vastly outnumbered by men. Throughout her career, she has uplifted and mentored many young attorneys, advancing the careers of generations of women lawyers. The political and cultural tumult of the 1960s and 1970s played an important part in her professional formation, building a commitment to a career in law as a pathway to public service.

Judge Nelson hails from Buffalo, New York, where she grew up in a conventional post-war household, focused on school, social activities, and music. While playing cello in a community orchestra as a teenager, Judge Nelson was inspired by an early feminist role model—the orchestra’s woman conductor. Seeing a woman in such a visible leadership role influenced Judge Nelson to envision a career of her own.

In the fall of 1970, Judge Nelson arrived at Oberlin College, where she studied music and religion. While at Oberlin, she navigated significant social and political upheaval in the world. The Vietnam War raged on, the country coped with the aftermath of the Kent State shootings just 60 miles away, the fight for racial and gender equality were front and center, and, later, the Watergate scandal upended the political landscape. These turbulent times profoundly impacted Judge Nelson’s views of the world and her role in it. Several transformative opportunities further impacted her world also, including working on an archeology dig in the Negev desert in Israel and spending a month in the heart of Appalachia.

Believing that a legal career would give her the skills and voice needed to make a difference in the lives of others, Judge Nelson enrolled at the University of Pittsburgh School of Law. One of only a few women in her class, Judge Nelson excelled in law school and enjoyed competing on the moot court trial team, giving her a taste of the life of a trial lawyer.

Even as a law student, Judge Nelson mentored prospective law students, including her own mother,



Gloria Richmond. With encouragement from Judge Nelson, Ms. Richmond later decided to go to law school and enjoyed a successful career as a patent lawyer at the National Institutes of Health, where she prosecuted biochemical patents. Ms. Richmond also received encouragement from her dear friend, the future Supreme Court Justice Ruth Bader Ginsburg—a relationship that began in the 1940s, when Judge Nelson’s mother was Justice Ginsburg’s summer camp counselor.

After graduating from law school in 1980, Judge Nelson began her legal career at the Reed Smith law firm in Pittsburgh. That December, the firm hosted its annual holiday party at the Duquesne Club, a private Pittsburgh social club with a men-only membership. Dressed in a formal gown, Judge Nelson arrived with her male colleagues at the club’s front door. She was turned away and directed to a side door, called “the women’s door.” To reach this door, she walked in the cold rain, and eventually, through a parking garage. When she got to the women’s door, Judge Nelson questioned the doorkeeper about the club’s treatment of a woman who was, after all, a guest. He responded, “You’ve got to understand, Miss, that all the important business of Pittsburgh happens in the Club. The men can’t be distracted by the idle chit chat of women.”

Judge Nelson next practiced law in Connecticut,



At the 2014 event "In Her Honor" that honored Judge Murphy—(above) front row, l to r: Judge Diana Murphy, Eighth Circuit Court of Appeals; and Associate Justice Ruth Bader Ginsburg, U.S. Supreme Court; back row, l to r: Kelly Laudon, member of the Minnesota FBA; Lisa Montpetit Brabbit, member of Minnesota Women Lawyers and a close friend of Judge Murphy, and Judge Susan Richard Nelson. At the 2022 Reentry Court Graduation Ceremony for the District of Minnesota—(right) l to r: Judge Donovan Frank, U.S. District Judge, District of Minnesota; Chef Jeff Henderson, an inspirational speaker; Judge Susan Richard Nelson; and Kito Bess, former Chief U.S. Probation & Pretrial Services Officer, District of Minnesota.



where she met her future husband and fellow attorney, Tom Nelson. They married and moved to his home state of Minnesota in 1984. There, Judge Nelson joined the Minneapolis law firm then known as Robins, Zelle, Larson & Kaplan, where she had the privilege of working on plaintiffs' personal injury and products liability cases with Ty Bujold, an accomplished trial lawyer. While litigating a products liability case in the Southern District of Indiana,¹ she was impressed by the good work of the presiding magistrate judge, Hon. William Hussmann. This sparked Judge Nelson's interest in a future career as a federal magistrate judge.

While maintaining a busy trial practice, Judge Nelson had two children—son Rob, in 1985 and son Michael, in 1988, the same year she became a partner. She also served a term as President of Minnesota Women Lawyers, and served a term on Robins Kaplan's executive board.

Never one to shy away from a challenge, in 1994, Judge Nelson joined a small team of Robins Kaplan attorneys representing the State of Minnesota and Blue Cross Blue Shield of Minnesota (BCBSM) in their historic lawsuit against the tobacco industry. The plaintiffs sued the tobacco industry for the medical expenses of treating tobacco-related illnesses. Judge Nelson led a team of lawyers who worked directly with numerous state agencies and BCBSM, managing their responses to the tobacco industry's discovery requests and motions, which were voluminous in a case of such magnitude.

Roberta Walburn, a former Robins Kaplan partner who led the plaintiffs' offensive discovery charge against the tobacco industry with lead trial counsel, Mike Ciresi, found Judge Nelson's contribution indispensable. "Historically, the tobacco industry's standard litigation tactic was to wear down plaintiffs with wave after wave of discovery," she explained. The Minnesota plaintiffs aggressively pursued discovery and the tobacco industry responded in kind. "Without a strong defense, led by Judge Nelson, we couldn't have gone on the offense the way we did."

After three and a half years of discovery, the case proceeded to trial between January and May 1998. Judge Nelson served as a member of the six-person trial team. At the conclusion of a 15-week trial, just before the delivery of plaintiffs' closing argument, the case settled. Among the settlement terms, the tobacco industry agreed to stop advertising to children, eliminate product placement in movies and on television, and stop misrepresenting the health consequences of tobacco products.² The tobacco industry also agreed to make its internal documents—totaling millions of pages—publicly available.

This career-changing experience further prepared Judge Nelson for and reaffirmed her interest in a judicial career. She reflected that "[b]y the end of the case, I had seen every discovery motion imaginable and conducted years of intensive case management work." So when the District of Minnesota created a new magistrate judge position in 2000, Judge Nelson applied. In May 2000, the district judges selected her to serve. At that time, she was the only woman on the District of Minnesota's magistrate judge bench.

Among her duties as a magistrate judge, Judge Nelson most enjoyed mediation. "I loved giving litigants agency over the resolution of their disputes," she reflected. Retired U.S. Magistrate Judge Jeffrey Keyes, who represented clients in settlement conferences mediated by Judge Nelson before becoming a magistrate judge himself, credits Judge Nelson for helping him hone his skills by observing her. Judge Keyes explained that "the best results come from the best preparation, and you could tell she was better prepared than anyone in the room." What's more, he added, "Judge Nelson demonstrated the same temperament in mediation as on the bench—respectful, unflappable, patient, and perseverant."

After serving as a federal magistrate judge for 10 years, Judge Nelson was interested in new challenges and responsibilities. Upon the recommendation of Sen. Amy Klobuchar, President Barack Obama nominated her to be a district judge and she began serving in that capacity in December 2010. A few months later, during a dinner

at “new judge school” in Washington, D.C., Justice Ginsburg greeted Judge Nelson warmly and reminisced about her friendship with her mother.

Hon. Patrick J. Schiltz, Chief Judge of the U.S. District Court for the District of Minnesota, speaks admiringly of Judge Nelson’s work ethic and willingness to tackle difficult tasks, stating, “She steps forward to take on big projects, whether it’s dozens of related, non-MDL cases or assisting with internal procedures. She is excited by the challenge.” In addition to her willingness to tackle complex and difficult assignments, Chief Judge Schiltz identifies Judge Nelson’s greatest skill as case management, informed by her years of experience as a magistrate judge. “She has an excellent sense of what is needed to get cases to resolution. She is very well-organized and can identify different interests at stake in any hard decision.” Chief Judge Schiltz values Judge Nelson’s insights and has turned to her when facing difficult questions himself. If Judge Nelson agrees with him, he feels more confident in the decision, and if she disagrees, he takes her reasoning into account.

Over the past 15 years, Judge Nelson has presided over 51 trials, including a RICO gang case,³ an international pharmaceutical case,⁴ and consolidated mortgage-backed securities cases.⁵ Within just a few weeks of her appointment as a district judge, a particularly high-profile case landed in her courtroom—a case that held the upcoming professional football season in the balance.⁶

In early 2011, the National Football League (NFL) “locked out” players from team facilities after collective bargaining discussions between the League and the players’ union fell apart. The players, led by lead plaintiff (and star quarterback) Tom Brady, sought an injunction so they could practice and play. At the five-hour hearing on the players’ motion, the national media centered their attention on the high-wattage football stars in attendance. Judge Nelson, on the other hand, focused on discussing the complexities of labor and antitrust law with legal stars David Boies, who represented the League, and Jeffrey Kessler, who represented the players’ union. Judge Nelson invalidated the lockout—a ruling the Eighth Circuit Court of Appeals stayed and later vacated in a split decision.⁷ However, in the short time before the Eighth Circuit imposed a stay, football fans everywhere rejoiced, including a Pennsylvania brewery that hoped to honor Judge Nelson as its “Porter-Worthy Person of the Month.” While flattered, she declined this recognition.

On top of managing her caseload, Judge Nelson has served on numerous committees of the Minnesota Chapter of the FBA and on the Board of Governors for the St. Thomas School of Law. While Judge Nelson is unquestionably book-smart, what strikes St. Thomas School of Law Associate Dean Lisa Montpetit Brabbit as her greatest strength is Judge Nelson’s relational intelligence. “She has the ability to read a room, listen intently, ask thoughtful questions, synthesize different viewpoints, and create a vision or plan that she carries through to fruition.” On the St. Thomas Law School

Board of Governors, Judge Nelson places law students at the core of the Board’s mission.

Another manifestation of Judge Nelson’s commitment to public service through the law was serving as a founding member of the District of Minnesota’s Reentry Court. Reentry Court is a collaborative effort between the U.S. District Court, U.S. Attorney’s Office, Federal Defender’s Office, U.S. Probation Office, community agencies, and most importantly, mentors who have served prison time and successfully reentered society.

As an alternative to traditional post-conviction supervision for high-risk individuals, the Reentry Court team meets with its participants every two weeks to provide resources and support, and upon successful completion of the program, participants are honored at a hope-filled graduation celebration, attended by family, friends, mentors, and representatives from the partnering agencies and the District Court.⁸ U.S. District Judge Katherine Menendez, who currently serves as one of two judicial participants in Reentry Court, describes Judge Nelson and her colleague, Senior District Judge Donovan W. Frank, as absolute pioneers in spearheading the collaborative program. She describes Reentry Court as “a profoundly successful project for our district,” and “as one of the first Reentry Courts in the country,” it has served “as a model for other districts.”

Judge Nelson’s career has fulfilled her early ambitions to make the world a better place. She extends respect to all litigants and attorneys who appear before her and seeks the fair and thoughtful resolution of her cases. She serves as a mentor to generations of law students, law clerks, and young attorneys, particularly women attorneys. Her kindness has encouraged those whom she has mentored to pay it forward.

Judge Nelson assumed senior status in December 2021 and maintains a robust caseload. She cherishes her colleagues, but her greatest love is for her family, which now includes four grandchildren, and her dear circle of friends. ☺

Endnotes

¹*Herr v. Carolina Log Bldgs.*, No. EV-85-262-C–EV-85-268-C (S.D. Ind. 1985).

²Henry Weinstein, *Big Tobacco Settles Minnesota Lawsuit for \$6.6 Billion*, LOS ANGELES TIMES, May 9, 1998, at 1.

³*United States v. Solomon*, No. 23-cr-156 (D. Minn. 2023).

⁴*United States v. Oz*, No. 13-cr-273 (D. Minn. 2013).

⁵*In re: RFC & RESCAP Liquidating Tr. Litig.*, No. 13-cv-3451 (D. Minn. 2013).

⁶*Brady v. Nat’l Football League*, No. 11-cv-639 (D. Minn. 2011).

⁷*Brady v. Nat’l Football League*, 779 F. Supp. 2d 992 (D. Minn. 2011), *stayed*, 640 F.3d 785 (8th Cir. 2011), *vacated*, 644 F.3d 661 (8th Cir. 2011).

⁸U.S. PROBATION OFFICE, D. MINN., LEAFLET, REENTRY COURT: SEE THE POSSIBILITIES AND INSPIRE CHANGE (2019).