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Margaret H. Chutich

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In Memoriam

Remembrance of Judge Diana E. Murphy

Margaret H. Chutich[†]

As one of Judge Diana E. Murphy's one-hundred-plus law clerks, I am filled with gratitude that I had the privilege and pleasure of clerking for Judge Murphy. When I reported to the chambers of Judge Murphy as an eager new law clerk in 1984, she was four years into her trailblazing efforts as the first woman to ever serve as a United States District Court Judge for the District of Minnesota. Little did I know on that memorable day that "my" judge was not done breaking gender barriers. Determined, diligent, and undeterred by the pressures of being a pioneer, Judge Murphy would forge ahead to become the first to serve in many other key posts, including:

- First woman Chief Judge of the U.S. District Court, District of Minnesota;
- First woman jurist on the Eighth Circuit Court of Appeals; and
- First woman Chair of the United States Sentencing Commission.

Nor did I know on my first day how much this remarkable woman of firsts would inspire me and many other Murphy clerks to try to emulate her approach to the law and her dedication to public service.

After a few days on the job, however, I quickly realized that I was clerking for an extraordinary person and judge. Before I had much of a chance to settle in, Judge Murphy was assigned a high-profile case that arose on an emergency basis. I was a bit cowed by the parties' written submissions, which, when stacked on the floor, were taller than I was. And I was quite impressed by the credentials and reputations of the local and national counsel prosecuting the case.

[†] Associate Justice for the Minnesota Supreme Court.

Judge Murphy was undaunted by the volume of materials; the speed at which she thoroughly read them and retained the critical points amazes me to this day. Her intellectual ability was second to none. Judge Murphy also handled the oral argument with aplomb. Courteous with counsel, her incisive questions showed the depth of her preparation and understanding of the pertinent legal principles. I knew that day that I was observing one of the finest trial court judges ever to serve in Minnesota.

Judge Murphy was generous in the time and effort that she spent mentoring me and her other law clerks. Perhaps because of an early aspiration to teach, she relished imparting her knowledge and wisdom to us on many other topics. Before attending law school, Judge Murphy had studied history on a Fulbright scholarship in Mainz, Germany. Her work in Germany inspired her to seek a doctorate in history at the University of Minnesota, where she worked as a teaching assistant for the noted professor Harold Deutsch.¹

It was at the University that she met a fellow teaching assistant, Joe Murphy, married him, and started a family. And, in another fortunate connection, two students in Joe's history class, Jon and David Lebedoff, became Judge Murphy's lifelong friends and confidants.

As an outstanding teacher and writer, Judge Murphy coached us to draft opinions in plain English, using short sentences and paragraphs. She wanted the parties and the general public to easily follow an opinion's logic and understand why the court decided a case the way that it had. One Murphy clerk recently reported to me that Judge Murphy called him "the Professor" (affectionately, of course) as she urged him to alter his theoretical approach to a more straightforward writing style. Cognizant of the parties' interests and concerns, Judge Murphy exhorted us to work hard so that the court could promptly issue decisions that would enable the parties to move on with their lives or businesses, whether they won or lost.

Judge Murphy's writing is still the gold standard for me in my work on the Minnesota Supreme Court. My law clerk and I

1. Professor Harold Deutsch researched and wrote on World War II, the German military, and postwar Europe. See Wolfgang Saxon, *Harold C. Deutsch, 90, Historian and Expert on German Military*, N.Y. TIMES (May 18, 1995), <https://www.nytimes.com/1995/05/18/obituaries/harold-c-deutsch-90-historian-and-expert-on-german-military.html>.

recently reviewed a clear and concise Murphy opinion and realized, frankly, that we needed to redouble our efforts to write with the same simple clarity.

Judge Murphy was effective in her role as mentor and life coach for me and other Murphy clerks. When I first started clerking, I was awed by the power of the federal courts to make decisions that affected people's lives so greatly. I once told Judge Murphy that I was not comfortable making a recommendation on such a momentous matter. Instead of writing me off as a law clerk dud, she patiently asked me why. When I explained that I wanted to know more facts before making a decision, Judge Murphy said, "I understand, but Margaret, these are all the facts that we get. Our job is to do the very best that we can given the law that exists and the facts that are given."

That advice and her ongoing guidance helped me become a better law clerk and lawyer and still serves me well in my role today. And that advice encapsulates the ethos of Judge Murphy: in every situation that Judge Murphy found herself in, she applied her tremendous intellect and heart to do the very best that she could with what she was given.

In my clerkship, I saw firsthand Judge Murphy's incredible work ethic and her capacity for taking on many leadership positions at once. I still remember my chagrin when my irrepressible father met Judge Murphy for the first time and asked her jokingly, "Why are you working my daughter so hard?" Fortunately, she found my father to be charming. But, truth be told, Judge Murphy worked circles around all of us, refusing to let severe rheumatoid arthritis slow her down.

While excelling in her duties as a busy federal judge, she served in leadership roles in national judicial administration and professional associations. To give one key example, she served as President and founding member of the Federal Judges Association, an organization that supports and enhances a fair, impartial, and independent federal judiciary.

Judge Murphy also chaired and served on numerous community boards. One fellow board member who served with Judge Murphy on the board of the University of Minnesota Foundation remarked, "What impressed me most about her was her combination of warmth, humanity, and striking insight."

I know that Judge Murphy had the same profound effect on her other clerks as she did on me. I heard from many former clerks following her death, and each expressed gratitude for the life-changing opportunity of clerking for Judge Murphy.

Judge Murphy's legacy can be seen in her family, her two cherished sons Michael and John, and her beloved grandchildren Laura and Francis. I also take heart in the incredible impact that Judge Murphy is having on our community every day through the efforts of the family of law clerks that she created, nurtured, and loved. You can find them everywhere in our community and country. They serve as elected representatives in government; federal and state prosecutors; public and private defenders; trusted legal counselors; civil and human rights advocates; and civic and community leaders.

I have often wondered about what made Judge Murphy tick, what motivated her year after year to push herself so tirelessly in the causes of justice and community. I believe that she acquired quite early in life her dedication to helping others from watching her parents, a doctor and a nurse, serve the community in their healing profession. And I believe that her devout Catholic faith instilled in her a compassion for the less fortunate among us and a determination that everyone, no matter their means or education, would be heard and treated fairly and respectfully in her courtroom. However an exceptional person and brilliant judge like Diana E. Murphy came to be, I am grateful that I had a chance to witness firsthand her extraordinary service to the people of the United States, and, as a Murphy clerk, to receive her lifelong support, guidance, and love.