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In Memoriam

Remembrance of Judge Diana E. Murphy

Jonathan Lebedoff†

When I first met Judge Diana Murphy, she wasn't a judge and she wasn't a Murphy. Diana Kuske was a teaching assistant in the History Department of the University of Minnesota, soon to marry her fellow teaching assistant, Joseph Murphy, Jr. I was an undergraduate history major, and the friendship that Diana and I formed during that period has lasted the past sixty years.

Our regular lunches during that time were filled with animated conversation about our mutual passion for history, movies, and even a little bit of law. Our shared confidences and counseling were a continued joy to me.

As the years passed, I also had the good fortune to observe her judicial skills up close during the many years that we were serving as colleagues as Hennepin County District Court Judges. Over time, Diana became a United States District Court Judge, and in 1991 I became a United States Magistrate Judge, making our lunches more convenient to schedule, and certainly affording me ample opportunity to observe her exceptional judicial skills on virtually a daily basis.

There is no necessity to recite in this piece all of the voluminous awards and honors Judge Murphy so justifiably received over these many years. My remaining remarks will be of a more personal evaluation of her special gifts.

Diana Murphy was a very wise woman. That wisdom went beyond her great grasp of the law. She possessed the rare gift of quickly arriving at the heart of any issue and employing her visionary insights to resolve the conflicts. This skill served her so well as both a trial judge and an appellate judge, two very different challenges for any jurist to master. Blessed with an ideal judicial temperament, she was strong and firm when appropriate, but always demonstrated compassion for the litigants appearing

† Retired Chief United States Magistrate Judge for the Federal District of Minnesota.

before her. She also had an unbelievable work ethic, even by the very high standards of the federal court system.

It is a very rare thing for anyone to both have the vision to understand what must be done, and the people skills and background of how things work that allowed her to achieve so many of those visionary goals. Throughout her long judicial career, she was called upon to work with Congress on many occasions. The lessons learned from those meetings served her well; one example is that while president of the Federal Judges Association, those skills allowed her to obtain many benefits for both federal judges and the entire judicial system.

Judge Murphy was extraordinarily active in the larger community, both before and after she went on the bench. She was president of the board of the Bush Foundation, president of the Board of Regents of St. John's University, president of the University of St. Thomas School of Law, president of the University of Minnesota Foundation, and participated in countless other board activities.

Allow me to conclude this tribute with a personal observation. Even before she began her judicial career, Diana began suffering from rheumatoid arthritis. That affliction continued to increase over the decades, simultaneously with her ever-increasing workload, both on and off the bench.

In all the many years of our friendship, I never heard Diana complain to me or to anyone else about her physical difficulties. Her strength of character would not allow her to lessen her legal or community service, at a cost that she kept to herself.

One particular example of this left a strong impression on me. Judge Murphy was appointed by President Clinton to be chair of the United States Sentencing Commission in 1999, and served in this important and full-time job during the next five years. This was during the period in which she was also serving in a full-time capacity on the United States Court of Appeals for the Eighth Circuit. Her responsibilities as head of the Sentencing Commission required frequent flights to Washington. She typically handled both duties in a brilliant fashion, without complaint and at a physical cost known only to herself. Diana faced a physical challenge that would have left most men and women housebound, and defeated it by ignoring it.

Judge Murphy left behind her such a great legacy, having enriched both the federal court system and the larger community. She most assuredly enriched my life, and I am grateful for

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the many lunches I have shared over the years with my valued friend.