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# A TRIBUTE TO JUDGE MYRON H. BRIGHT IN RECOGNITION OF THIRTY YEARS OF SERVICE ON THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

## Bright Judging: An Iron Range Legacy

E. Thomas Sullivan<sup>†</sup>

Thirty years of judicial leadership. A product of the Minnesota Iron Range, Judge Myron H. Bright is a graduate of the Class of 1947 from the University of Minnesota Law School. He is one of the most distinguished jurists to sit on any federal bench in the last thirty years. Before being appointed to the United States Court of Appeals for the Eighth Circuit by President Lyndon Johnson in 1968, Judge Bright served in World War II and practiced law in Fargo, North Dakota as a trial attorney for over twenty years. Not content to be merely a great judge, Judge Bright also has gone on to distinguish himself as a teacher of law students, trial and appellate lawyers, and other judges. In 1997, the American Bar Association and the American Law Institute awarded Judge Bright the Frances Rawle Award for outstanding achievement in post-admission legal education.

Judge Bright was an early pioneer, if not the originator, of the highly acclaimed Jurists-in-Residence program in American law schools. Scores of law schools have invited him to participate as a distinguished Jurist-in-Residence for these marvelous educational and training programs. On two occasions, Judge Bright conducted Jurists-in-Residence programs at the University of Minnesota Law School, first in 1984 when he co-taught the program with Chief Justice William Rehnquist of the United States Supreme Court, and again in 1986. These

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programs were designed to give students and faculty unique insights into the judicial decisionmaking process.

In addition to the Jurists-in-Residence programs, Judge Bright is well known for his lectures throughout the country, frequently accompanied by the late Professor Irving Younger of this law faculty, on the subjects of evidence and trial objections. Always a gifted teacher, Judge Bright loved his teaching role, whether to law students, lawyers, or fellow judges. Indeed, when he took senior status from the Eighth Circuit in 1985, he was appointed as a Distinguished Professor of Law at St. Louis University Law School, where he taught for a decade in the areas of trial and appellate advocacy.

Judge Bright is well known for his path-breaking opinions in environmental law,<sup>1</sup> employment discrimination law, criminal law, and evidence.<sup>2</sup> No student of the Eighth Circuit or of American law could write a history of American jurisprudence without including lengthy discussions of Judge Bright's contributions in these areas. Specifically, his measured and well-crafted opinion in *Reserve Mining Co. v. EPA*<sup>3</sup> is a great example of the skill with which Judge Bright "combined sensitivity to environmental values with a sense of proportion about the economic burdens of regulation."<sup>4</sup> This same deftness is seen in Judge Bright's employment discrimination cases, as described in Judge Donald Lay's piece in this issue.<sup>5</sup> Importantly, Judge Bright's insights into the meaning of justice are vividly revealed in the poignant habeas corpus petition filed in the James Dean Walker case.<sup>6</sup> Without Judge Bright's judicial leadership, a great injustice would have continued.

To be sure, Judge Bright's keen sense of fairness, together with his pragmatic approach in balancing the issues before him, is very similar to the judicial record of his dear friends and colleagues on the Eighth Circuit, Judge Lay and Judge Heaney. They each share a deep, common faith in the individual, in society, and in a need for protecting the underprivileged in our society. The reason for this underlying ethos may well

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1. See Daniel A. Farber, *The Legacy of Reserve Mining*, 83 MINN. L. REV. 299 (1998).

2. See Jolee Adamich et al., *The Selected Cases of Myron H. Bright: Thirty Years of His Jurisprudence*, 83 MINN. L. REV. 239 (1998).

3. 514 F.2d 492 (8th Cir. 1975).

4. Farber, *supra* note 1, at 300.

5. Donald P. Lay, *Judge Myron Bright*, 83 MINN. L. REV. 225 (1998).

6. See Adamich et al., *supra* note 2, at 240-54.

be that each of these jurists is a product of the Midwest during the Great Depression of the 1930s, the importance of which Judge Heaney notes in his tribute to Judge Bright.<sup>7</sup> Each understands and respects the "great melting pot" as the backbone of our country, where all people "in every walk of life" can move together toward a better life and a better society. As Judge Heaney so ably states, Judge Bright and his family "along with most families on the Iron Range, lived through difficult times, but they learned compassion, understanding, and the need for all people to work together."<sup>8</sup>

Compassion. Understanding. Faith in the common human enterprise. Collegial warmth. Each of these qualities characterizes Judge Bright's professional life and, particularly, his public life for the last thirty years on the Eighth Circuit Court of Appeals. As dean of Judge Bright's law school, I am proud that the *Minnesota Law Review* has dedicated this special issue to Judge Bright. For those who today despair of public service and public life, Judge Bright's legacy on the Eighth Circuit is a clear inspiration for all of us. We are deeply proud to call him one of our own.

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7. Gerald W. Heaney, *A Tribute to Judge Myron H. Bright*, 83 MINN. L. REV. 223 (1998).

8. *Id.* at 223.

