

1998

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Recommended Citation

Carlson, Ronald L., "An American Original" (1998). *Minnesota Law Review*. 2274.
<https://scholarship.law.umn.edu/mlr/2274>

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An American Original

Ronald L. Carlson†

Myron H. Bright is an American original. Rare is the judicial scholar who cares so deeply about the training of trial and appellate lawyers that he takes to the trenches to do something about it. Judge Bright is exactly such a person.

Together, he and I have conducted over sixty trial training seminars in cities from Boston to Honolulu. The judge's engaging personality and his universe of contacts in the legal and judicial worlds have made these programs a success. Together with Bruce Singer who heads the National Practice Institute, our program has spearheaded a drive to advance ethics and civility among members of the bar. It is called "How to Deal With the Difficult Lawyer," and Judge Bright's introduction to professionalism is always a highlight of the program.

How did this all get started? It began almost thirty years ago when a young law professor at the University of Iowa invited an up-and-coming appeals court judge to address a legal conference in Iowa City. Myron H. Bright was the judge, and the author of this essay was the law professor. That Iowa program initiated an association that has spanned decades, culminating in our co-authorship of the book *Objections at Trial*.¹ It is an association that has enriched my life significantly, and which has become more valued by me every year.

Objections at Trial was described by Judge Bright in the well-crafted Foreword which he supplied for our Third Edition. In it he outlined the genesis of the book:

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1. MYRON H. BRIGHT & RONALD L. CARLSON, *OBJECTIONS AT TRIAL* (1990); MYRON H. BRIGHT & RONALD L. CARLSON, *OBJECTIONS AT TRIAL* (2d ed. 1993); MYRON H. BRIGHT ET AL., *OBJECTIONS AT TRIAL* (3d ed., forthcoming 1998). The forthcoming edition includes Edward J. Imwinkelried as an author.

In the late 1980s, three of us—the late Irving Younger, Professor of Law at the University of Minnesota, Ronald L. Carlson, Callaway Professor of Law at the University of Georgia, and I—decided to write a book aimed at making as simple as possible the art of objecting at trial. Professor Younger died before the writing began. Ron Carlson and this writer carried on the project. The first ‘Objections at Trial’ book came to life in 1990. A revised edition followed in 1993.

The book has been well received by the profession and serves as the literary backbone when Judge Bright and I present our seminar for lawyers entitled “Objections at Trial.” The book is now in its third edition, and a new collaborator has joined us in its authorship, Edward J. Imwinkelried, Professor and Director of Trial Advocacy at the University of California School of Law, Davis.

The Foreword provided by Judge Bright understates his central role in bringing the book to life. It was his energy and enthusiasm that launched the project, and which sparked the production of subsequent editions.

Among the many honors he has received as a leader of the bench and bar, none stands out more in my mind than the 1997 Francis Rawle Award. This award takes its name from a former American Bar Association president and is presented annually to the person who provides outstanding achievement in the area of continuing legal education. The award in 1997 was conferred at the luncheon of the American Law Institute-American Bar Association Committee on Continuing Professional Education in San Francisco. Judge Bright’s acceptance speech was memorable. His generous remarks were not so much about himself, but of those with whom he had worked over the years. The late Irving Younger and this writer were prominently mentioned, and Judge Bright’s gracious remarks continue to ring in my ears.

Judge Bright has completed thirty years on the federal bench. In addition to his remarkable record of professional achievement, I have had the opportunity to see firsthand the loyalty he has engendered among his law clerks, past and present. In the many cities we have visited, his former clerks in far-flung locations regularly make it a point to meet with us and renew that special friendship they have with Judge Bright. Often they assist in our programs. On many of these trips, Judge Bright’s lovely wife Fritzie has accompanied us. Her insightful comments have assisted me as well as the judge. They are a grand team.

After a substantial period of time as a practicing lawyer in North Dakota, Judge Bright was elevated to the federal bench. He has served with distinction on the United States Court of Appeals for the Eighth Circuit for thirty years. He took senior status in 1985 and has sat by assignment with courts of appeal all over the nation. Countless lawyers have made appellate presentations in front of Judge Bright.

The feelings expressed in this essay are also reflected by those lawyers who have appeared in arguments before him. One of those attorneys, Jordan B. Cherrick of St. Louis, wrote movingly of the judge's impact in *The Federal Lawyer*:

Judge Myron H. Bright exemplifies his belief that a just and ethical society cannot survive unless those individuals who are knowledgeable in the law and its traditions transmit their learning to future generations. His most important contribution to the cause of justice lies in his impact on hundreds of judges, lawyers, law students, and citizens. Through the warmth of his personality, the strength of his intellect, the entertaining quality of his sense of humor and the vigor with which he approaches life, Judge Bright has successfully imparted to countless individuals the deep feelings of justice that form the essence of this great judge and wonderful human being.²

The outreach aspect of Judge Bright's mission also extends to law schools. He created a Jurists-in-Residence program designed to educate law students about the practice of law, a program that has been presented at many universities. Prominent judges like United States Supreme Court Chief Justice William Rehnquist and Justices Blackmun, White, Stevens, Kennedy, and Ginsburg have participated with Judge Bright in these outstanding seminars. His exemplary work in providing Jurists-in-Residence programs is not his only law school involvement. For many years he taught trial advocacy at St. Louis University School of Law. In his programs to law students and lawyers alike, Judge Bright is never too busy with his own presentations to be helpful to others. When a member of the audience approaches with a question after Judge Bright has departed the lectern, he is unfailingly patient and helpful in his efforts to resolve the questioner's dilemma.

Judge Bright has been a role model and an inspiration. While he always takes his work seriously, he never is full of himself. His charm and his humor, his creativity and his energy, all are unmatched. He is one of a kind. The like of him we are not likely to see again.

2. Jordan B. Cherrick, *Judges Profile*, 44 FED. LAW. 26, 27 (March/April 1997).

