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JUSTICE ROSALIE E. WAHL: BIOGRAPHY

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In Justice Rosalie Wahl's first year on the Minnesota Supreme Court, she accepted numerous speaking engagements in an effort to better acquaint herself with the people of Minnesota. This reflects her belief that supreme court justices have a duty to maintain contact with the people of this state.¹ In her seventeen years on the bench, she has fulfilled that duty.

Rosalie Wahl decided to become a lawyer at the age of thirty-seven.² At that time she had four children, was a homemaker, and was active in local politics and civic groups.³ She has been quoted as saying that she entered the legal profession because she "was tired of sitting outside doors while the men inside made the decisions."⁴

Her feminist views were as strong as her liberal opinions. As a student at the Lawrence campus of the University of Kansas in the middle 1940s, Rosalie Wahl was one of the founders of the first interracial student housing cooperative.⁵ This was to be one of many "firsts" in her life.⁶

After graduating from the University of Kansas in 1946, she married and was active in the Lawrence League for the Practice of Democracy, a group advocating for desegregation and civil rights.⁷ She entered William Mitchell College of Law in 1963

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1. One of Justice Wahl's goals upon election was to enrich the view of the court. She was surprised to learn, as a result of her contacts with the general public, that few people knew that supreme court justices were elected. See Gwennyth Jones, *She Hopes to Enrich Court View*, MPLS. STAR, June 21, 1977, at 1C.

2. *Id.*

3. She had her fifth child while in law school. *Id.*

4. *Id.*

5. *Id.* The university's official housing was segregated at that time. *Id.* Such policies were soon to be invalidated by the United States Supreme Court. See *Brown v. Board of Educ.*, 347 U.S. 483 (1954).

6. Rosalie Wahl was also the first female president of the Lake Elmo P.T.A. and was the first female editor of the *Circulating Pines* newspaper in Circle Pines, Minnesota. Jones, *supra* note 1, at 1C.

7. In reminiscing about the Lawrence League, Justice Wahl stated, "[p]eople who've come along later don't realize how hopeful we were at the end of the war

and graduated in 1967, the same year her oldest daughter graduated from high school.⁸

Upon completing law school, Rosalie Wahl joined the state public defender's office where she was responsible for appeals and habeas corpus hearings.⁹ She tried more than 100 cases before the Minnesota Supreme Court, sometimes arguing two or three in a day.¹⁰

Graduation from law school did not sever her ties with William Mitchell. In 1971, Rosalie Wahl returned to William Mitchell as a member of the faculty and assisted in establishing the clinical program, which certifies law students to try misdemeanor cases under the direct supervision of a practicing attorney. As her contribution to this program demonstrates, Rosalie Wahl considered practical, first-hand experience an invaluable part of a legal education.¹¹

On October 3, 1977, Rosalie Wahl was appointed to the Minnesota Supreme Court, making her the first woman on the Minnesota bench. Then-Governor Perpich reportedly cited her extensive experience as a criminal defense lawyer as a main reason for her appointment.¹²

Justice Wahl hoped that as the first female justice her appointment would add a second set of lenses to the court's vision.¹³ When questioned about any possible effect of her gender on the public's view of the court, she stated "I'm sure men would think there was something missing if there were a court sitting up there made up of nine women."¹⁴

In 1978, Justice Wahl was required to run for her first six year term on the supreme court.¹⁵ The campaign was highly successful but engendered much debate.¹⁶ Her challengers focused on

We were going to do great things. Then came the McCarthy era" Jones, *supra* note 1, at 1C.

8. *Id.*

9. *Id.*

10. *Id.*

11. SEE Gwenyth Jones, *State Judges are Subjected to Stiff Election Challenges*, MPLS. STAR, Aug. 1, 1978, at 9A.

12. Jones, *supra* note 1, at 1C.

13. *Id.*

14. *Id.*

15. Minnesota Supreme Court justices are required to run at the first general election that comes at least one year after taking office. MINN. CONST. art. VI, § 8.

16. Justice Wahl's challengers were Robert Mattson and District Court Judges Daniel Foley and Jerome Plunkett. Gwenyth Jones, *State Judges are Subjected to Stiff Elec-*

what they perceived as Justice Wahl's lack of experience. Specifically, they raised concerns about her dissenting vote to reverse a rape conviction.¹⁷

Justice Wahl waged a strong campaign and did not shy away from her challengers. Rather, she felt "honored" at being the only recent candidate opposed by three contenders.¹⁸ She was, of course, elected and went on to author numerous decisions as a member of the court.

As a supreme court justice, Rosalie Wahl has served on numerous boards and committees. Beginning in 1990, she chaired the Minnesota Supreme Court Racial Bias Task Force.¹⁹ She also served as chair of the Supreme Court Task Force on Gender Fairness in the Courts²⁰ and the court's Gender Fairness Implementation Committee. Additionally, she has been the court liaison with the Minnesota State Board of Law Examiners and is a past chair of the ABA Section of Legal Education and Admissions to the Bar. She is a fellow with the American Bar Foundation and a member of the National Association of Women Judges and the Minnesota Women Lawyers.

Justice Wahl has also been a champion of pro bono work and has worked closely with the Minnesota State Bar Association to encourage such work in the legal community. In connection

tion Challenges, MPLS. STAR, Aug. 1, 1978, at 9A (noting that Justice Wahl came under "vociferous attacks" in her election campaign).

17. Justice Wahl was the only justice who voted to reverse the conviction of a rapist who held his victim at knife point; a decision she described as difficult. Justice Wahl believed that inherent in her responsibilities was the duty to protect the rights of all persons. This dissent, she maintained, was about defending the constitutional rights of criminals as well as her own rights and the rights of the public. See *State v. Willis*, 269 N.W.2d 355 (Minn. 1978); see also Gweryth Jones, *Wahl Easily Defeats Mattson in Race for High Court Post*, MPLS. STAR, Nov. 8, 1978, at 11A.

In voting to reverse the conviction, she stated, "I am concerned that the majority's broad approval of sweep searches jeopardizes well-established Fourth Amendment guarantees The 'most basic constitutional rule' in this area is that warrantless searches are per se unreasonable under the Fourth Amendment." 269 N.W.2d at 358.

18. See Jones, *supra* note 16, at 9A.

19. The Racial Bias Task Force was formed, in part, to examine the extent of racial bias in the Minnesota state court system. MINNESOTA SUPREME COURT TASK FORCE ON RACIAL BIAS IN THE JUDICIAL SYSTEM, FINAL REPORT 1 (1993).

20. This task force was created to examine gender bias in the courts. In 1989, the task force produced a report detailing custody issues in 1153 Minnesota cases. This report was spawned, in part, by the decision in *Pikula v. Pikula*, 374 N.W.2d 705 (Minn. 1985). See generally MINNESOTA SUPREME COURT TASK FORCE FOR GENDER FAIRNESS IN THE COURTS, FINAL REPORT (1989).

with her interest in pro bono work, she has spoken publicly on the importance of pro bono activities.

The common thread interweaving her personal and professional activities and her jurisprudence is Justice Wahl's vigilant protection of the rights of the people. As noted at the outset, one is not suprised that she chose, first and foremost, to stay in contact with the people of Minnesota. In her view, the courts belong to the people, not to the lawyers and judges.