1991

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Recommended Citation
Available at: http://open.mitchellhamline.edu/wmlr/vol17/iss1/4
A TRIBUTE TO PETER S. POPOVICH

Chief Judge D. D. Wozniak†

Peter Popovich has just completed forty-five years of service to the people of the State of Minnesota: as a lawyer, as a legislator, as the first Chief Judge of the Minnesota Court of Appeals, as Associate Justice of the Minnesota Supreme Court, and as Chief Justice of the Minnesota Supreme Court. He has risen on merit and on dedication to the pinnacle of our chosen profession. His efforts have shaped the appellate court system in Minnesota and have left permanent markers in the genes of the judiciary and the law. His mark will influence future generations.

Peter is from Chisholm, Minnesota. The immigrant ideals of his family and their steadfast belief in the power of hard work had a profound influence upon him. He has never forgotten those early experiences or turned his back on the values he learned. He is proud of his heritage and his origins on the Iron Range. Just as that background left its indelible imprint on Peter, he has left his mark on us and on our legal system.

As a legislator, Peter often read the inscription above the door of the House chamber: “Reason is the life of the law.” He led the search for reason when considering and drafting new legislation and then later, when interpreting the law. He worked tirelessly against inefficiency and injustice, and insisted that we breathe reason and life into our legal system.

Judge Learned Hand once said, “If we are to keep democracy, there must be one commandment: thou shalt not ration justice.” Through Peter’s efforts, the appellate courts have honored that commandment. His foresight has ensured greater access to the court system, and his diligent efforts will ensure that all citizens touched by our system are treated fairly and predictably.

Peter is most often associated with a quotation attributed to Gladstone which is carved in the halls of our state capitol building. He truly believes that “Justice delayed is justice de-

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nied.” There is no doubt that Peter was the moving force in changing our appellate system. He surveyed the goals set by the public, the legislature, and the bar, and then pledged the new Court of Appeals to meeting every one of those goals. His touchstone in court administration was the prompt and efficient handling of all appeals, without regard to the wealth or circumstances of any party.

Peter recognizes that the law is the standard of our liberty and the courts are the guardians of the law. Unless the courts are open to all, motivated by reason, and efficiently operated, they cannot be effective guardians. While many have decried the problem and causes of congestion and delay in our courts, Peter took the problem as a personal challenge and worked to create an appellate system in which delay is now unacceptable.

Daniel Webster called upon citizens to develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered. While the Court of Appeals had many supporters, Peter Popovich will be remembered as the builder of the institution, since he established many of the policies and procedures which still have a profound effect upon the way the court operates. Under Peter’s direction, the court took control of its calendar from the beginning, avoiding a processing backlog through aggressive monitoring and management of all appeals. Peter called upon the judges of the court to develop its resources, he worked with the legislature to give meaning to the promise of the court’s creation, and he promoted the citizens’ right to an appellate system which operates efficiently. These are clearly accomplishments “worthy to be remembered.”

Peter has been motivated by the public good, not by personal benefit. He has battled inefficiency and injustice because he believes that “no government is respectable which is not just.” He is committed to a government of definite and precise laws enacted under the authority of a written constitution which defines the boundaries of governmental power. He has devoted his intellect and his considerable professional talents to the respectful treatment of the rule of law, recognizing that when law is not served, tyranny begins.

Peter Popovich has represented our citizens in the coequal
legislative and judicial branches with vision and dedication. He accepted the stewardship of the Court of Appeals and established high standards which will guide our work for years. He brought the same high standards to his positions on the Minnesota Supreme Court. As Chief Justice, he focused his attention on court administration, knowing that a court can do justice only if its handling of cases is organized efficiently. My colleagues and I have tried to follow in his footsteps.

As Justice Sandra Day O'Connor has said: “What we do today to shape our courts and to shape the principles by which we manage them will determine how they perform their vital role in the future. We need to promote the concept of management as a noble calling. Both the art and the science of management are essential ingredients in ensuring the administration of justice.” Peter Popovich cast the mold for the management of our appellate courts. His has been a noble calling. This Iron Ranger’s hard work has contributed to the tradition of excellence for which our appellate courts are justly famous. His dedication to court management has shaped and improved these courts and helped to equip us for the courts’ vital role in our future. My colleagues and I will continue to learn from his excellent example and to nurture and protect the institutions he loved and built up.