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A TRIBUTE TO PETER S. POPOVICH

HON. DORIS OHLSSEN HUSPENIT

Many of us who were children or adolescents during the Great Depression of the 1930s are convinced that one never gets over being raised in that Depression. I suspect that Chief Justice Peter Popovich just might agree. He might agree also that inability to get over that experience is not at all bad. I have heard him reminisce many times about his parents' counsel in regard to the value of an education: "They can never take that away from you." Those words echo very nearly exactly those I heard from my parents in the 1930s and 1940s.

Chief Justice Popovich's parents instilled in him not only the desire for education but, equally as important, the strong work ethic that is as much a part of him today as it was sixty years ago, and perhaps most important, a set of values that is evident in the Chief's relationships with family, friends, colleagues, employees, and all whose lives he has touched personally and professionally.

There are many who knew Chief Justice Popovich as an Iron Ranger and who can speak more knowledgeably than I can about that man. Others came to know him well during his many years as a legislator (the Minnesota House of Representatives declared him to be its "most effective" in 1962) or successful private practitioner. However, I have been privileged during these past seven years to share the "Court of Appeals" experience with the man so profoundly shaped by the Range heritage and by the experiences as legislator and practitioner.

Some sociologists posit the theory that talent is present in a society at all times at fairly stable levels. Social and political conditions, they argue, either suppress or encourage expression of that talent. I do not know whether the sociologists' theory can be validated universally. However, something akin to expression of that theory occurred in May 1983, when Governor Perpich chose Peter Popovich to be the first Chief Judge of the newly created Minnesota Court of Appeals. Peter Po-

† Judge, Minnesota Court of Appeals.
povich exemplified the qualities that were essential if the new
court was to fulfill its mission. He was an administrative ge-
nius, a prodigious worker, and he possessed gifts of gracious-
ness and giving, examples necessary to encourage his eleven
associates in their quest to become a collegial body.

Almost immediately after his announced appointment, the
new Chief Judge ended his involvement with the practice of
law and enthusiastically devoted his time, energy, talent, and
monetary resources to creating, in fact, the institution that the
voters and legislature had created in spirit. Seldom, if ever, in
the history of American jurisprudence, has one man exerted so
singular, all-encompassing, and positive an influence on a
state-wide court. Peter Popovich spent the summer months of
1983 working closely with then-Chief Justice Douglas Amdahl
who had been so instrumental in convincing the citizens of
Minnesota that an intermediate court of appeals was long over-
due. In addition, the new Chief Judge of the new Court of Ap-
peals attended appellate judges’ seminars and met with
appellate court judges across the country on a more informal
basis to discuss the “necessities” of leading and administering
an intermediate court of appeals.

Chief Judge Popovich had moved the new court far toward
its creation-in-fact by August of 1983, when the names of his
first five associates were announced. With the administrative
skill which is now legendary, he called immediately and exten-
sively upon the talents of each of them to further the work of
establishing the new court, even though the five would not offi-
cially become members of the court until November 1 of that
year. The remaining six of us who would join the court offi-
cially on April 2, 1984, were also actively involved in the early
months of that year as our appointments were announced.

The Court of Appeals was created to expeditiously and eco-
nomically provide appellate review of cases arising in the trial
courts and administrative tribunals of the state. And how bet-
ter to achieve that goal than under the leadership of a man who
believed in and lived by the maxim that “justice delayed is jus-
tice denied”? There has never been a backlog in the court.
The fact that an average of only 6½ months elapses between
the filing of the notice of appeal and the filing of the opinion is
the envy of every intermediate court of appeals in the nation.
In ninety-five percent of cases, the issuance of the opinion of
the Court of Appeals signals the end of the litigation in the case.

My warmest and most appreciative memories of Chief Judge Popovich's leadership in the first four years of the existence of the Court of Appeals stem not only from what he accomplished, but the way in which he accomplished it. He never drove or pushed, he led by example. He never asked any associate judge to undertake a duty that he himself was not also undertaking in even fuller measure. We could hardly complain of our sixty hour weeks to one who was himself putting in eighty hour ones. And despite those eighty hour weeks, the Chief's door was always open, his attention was always graciously given, and his patience was never exhausted as those of us who were his colleagues brought to him our concerns, problems, dilemmas, and yes, our complaints. I left his office often knowing that I had not convinced him that my position was one of wisdom and merit, but never did I leave feeling that I had been denied the opportunity to state that position fully and even repeat it a time or two.

After Chief Judge Popovich guided the Court of Appeals into its adolescence, he undertook the duties of Supreme Court Justice and ultimately became the Chief Judicial Officer of the State. While his impact on the Supreme Court and on the judicial system of Minnesota has, indeed, been great and is a fitting capstone to his career in the judiciary, I suspect that his unique opportunity to effect the birth and to guide the early years of a new statewide court will bring, to him personally, his greatest satisfaction.

Ultimately, I believe that for Peter Popovich the past is prologue. He and his lovely wife, Gail, deserve the chance to sit back a bit and enjoy the happiness that each has so abundantly brought to the other. They will do that, I am certain. I am just as certain, however, that the State of Minnesota has yet to receive the last service of which Peter Popovich is so capable. I conclude it has something to do with being raised on the Iron Range during the Great Depression.