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A TRIBUTE TO PETER S. POPOVICH

BRYAN J. LEARY†

Legal scholars measure a jurist's importance by examining that judge's effect on the course of the law. Just how history will judge the career of Chief Justice Peter S. Popovich remains unknown. His achievements are many, but a judicial career cannot be measured solely in terms of opinions, dissents, or special concurrences. Speaking as one of his former law clerks, the legacy left by the Chief will be one of compassion, humor, and of a work ethic forged by his commitment to the ideal that justice delayed is truly justice denied.

Judicial clerks on the appellate courts of Minnesota enjoy a front row seat to the spectacle of the judicial process. The genesis of legal precedent has many thrilling moments, but admission to the spectacle is not free. In service of a judge, the appellate clerk researches the law, labors over the briefs, and serves as the analytical sparring partner. It is, in essence, an apprenticeship; legal knowledge and skills passing between generations, from judge to clerk, the experienced to the novice. In terms of sheer knowledge of the law, the law clerk is often humbled. Yet, the most important lessons learned concern the law only tangentially. To this point I offer one modest example.

When the court moved into its new home at the Minnesota Judicial Center, law clerks assisted in moving the effects of their respective justices. I worked for Chief Justice Popovich, the justice who had saved virtually every scrap of paper he had ever read or written in his years on the bench. I did not look forward to moving day, and when that sweltering August day arrived, I learned that barely a dent had been made in packing the Chief's mountains of paper and memorabilia. The Chief remained undaunted, determined that things would be business as usual by the next day. Thus, I was not surprised to see the Chief rummaging through the legal cargo late that after-

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noon, preparing for upcoming cases. As I passed his door in the late afternoon, the Chief beckoned me into his office. “What is the first thing you saw as you came through that door?” he demanded as I entered. Sheepishly, I pointed to the window sill directly in front of where I stood. “Good,” said the Chief as he removed his wife’s picture from a box and placed it gingerly where I had pointed. He then turned, grinned, and said that he wanted that picture to be the first thing people saw when they entered his office. I then understood what the Chief already knew: that judges and lawyers do not leave themselves at the courtroom door. Rather, we bring what we are and who we are to the law and the legal profession. Because, as the law affects us as people, so too must we affect the law as people. It is a principle that bears repeating.

I am proud to have served as a law clerk to the Chief, to have been a trusted compatriot, and to have become friends. The Chief has not only shaped my views of the legal process, but has shown me the law’s great power and its fragility. His good nature and keen sense of fairness will be missed on the bench, yet I know the Chief will continue to serve the legal profession, doing what he can to assure justice freely and without purchase, completely and without denial, and promptly without delay.