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JUSTICE JOHN E. SIMONETT: 1924 – 2011

Honorable Martha M. Simonett†

Dad was born on July 12, 1924, at a Mankato hospital and grew up in nearby Le Center, Minnesota, with his mother, Veronica Moudry, his father, Edward, and his sister, Mary Therese. He graduated from St. John’s University (magna cum laude) in 1948, with time out for military service (November 1944 to September 1946), including time in the Philippines as a First Lieutenant, Infantry.

He met my mother, Doris Bogut, who attended the College of St. Benedict, during his college years at St. John’s University. After college, he graduated from the University of Minnesota Law School (magna cum laude) in 1951, where he was a member of the Order of the Coif and president of the Minnesota Law Review. He and Mom were married that same year in Hudson, Wisconsin, Mom’s hometown, and moved to Little Falls, Minnesota, where they raised six children. My sister Anne, who died in 1995, was a partner at Faegre & Benson and then served as a Hennepin County District Court judge until her appointment by Governor Arne Carlson in 1994 as the first woman chief judge of the Minnesota Court of Appeals. My sister and her husband, Mary and Ed Wegerson, now live in Shoreview, Minnesota, and two of my brothers, John and Paul, also live in the Twin Cities. My brother Luke lives in Little Falls in a home lovingly built by Mom and Dad as a cabin near Camp Ripley on the Mississippi River. I practiced law for fifteen years at the firm of Rider Bennett in Minneapolis before my appointment to the First District Bench in 1996 by Governor Carlson.

† District Court Judge Martha Simonett graduated from William Mitchell College of Law (cum laude) in 1984, with her father delivering the commencement address on June 10, 1984. John E. Simonett, Commencement Address at William Mitchell College of Law (June 10, 1984), in THE JUDICIAL CAREER OF JOHN E. SIMONETT ch. 3 (Marvin Roger Anderson & Susan K. Larson eds., 1998). After fifteen years as a trial lawyer, Judge Simonett was appointed to the district court bench in 1996. She serves in the First Judicial District and is chambered in Hastings, Minnesota.
Dad practiced law in Little Falls for nearly three decades with Senator Gordon Rosenmeier before he was appointed to the Minnesota Supreme Court by Governor Al Quie in 1980. Just as influential as his time on the bench was his time in Little Falls, where he became known as a great trial lawyer and practiced all facets of law, from wills to murder cases to jury trials over land disputes. He was from a generation of lawyers who prided themselves on being generalists. He became a frequent lecturer and author on legal topics.1 In a 1997 interview with me,2 Dad said that his two mentors were Gordon Rosenmeier, who was a Minnesota State Senator for thirty-two years, and Justice Walter Rogosheske. He admired Senator Rosenmeier for possessing great competence and moral courage, and he described Justice Rogosheske, his predecessor on the Minnesota Supreme Court, as a man who combined great legal skills with great kindness. We were next-door neighbors of the Rogosheskes in Little Falls, and this seat on the supreme court became known in legal circles as the “Little Falls seat.”

Another former Little Falls partner of Dad’s, now District Court Judge Douglas Anderson, described Dad as a “wordsmith.”3 Dad was well known for writing “opinions even lay people could understand. He used plain language, but his work was artfully crafted. It would flow well and make sense. . . . I think Garrison Keillor patented his style from John.”4 Little Falls attorney Peter Vogel remembers Dad as the consummate gentleman. “He was considerate, classy, intelligent and witty.”5 Little Falls attorney Greg Larson said he met Dad in 1978 when he was a young lawyer in Little Falls.

I was in awe when I opposed him in court. He had a commanding presence. . . . He always wore a bow tie. Not a clip-on, but a tied bow tie. He was well-attired, stood tall and straight and had a commanding deep voice. He was a role model for me. I cannot think of anyone who equaled

1. For a comprehensive compilation of his speeches, articles, and other writings, see THE JUDICIAL CAREER OF JOHN E. SIMONETT (Marvin Roger Anderson & Susan K. Larson eds., 1998).
2. Interview with Hon. John E. Simonett in St. Paul, Minn. (June 24, 1997) (on file with the Minnesota Supreme Court Historical Society).
4. Id.
5. Id.
his performance or ability. . . . He could tell stories with humor second to none, a rare ability. . . . He was well educated and well read, but could mingle with anyone. His ability to relate to everyone he met helped him be effective in the courtroom.6

Others fondly described him as a blend of Atticus Finch, Garrison Keillor, and Will Rogers.7

Dad served on the Minnesota Supreme Court for fourteen years and developed a reputation as a legal writer of great skill and clarity. He treasured the collegiality of the court and worked to create “an atmosphere of shared inquiry and the combined search for the best answer.”8 Judge Harriet Lansing of the Minnesota Court of Appeals describes his legacy as one of high wit and deep wisdom, a man of letters, an extraordinary gift for the written and spoken word, a man of uncommon decency and dignity, a man who made us all proud to be lawyers and judges, a man of uncommon common sense, a judge committed to getting the law straight and making it work, a judge who understood the whole legal structure and its effects on people, a judge wise in the ways of people, a judge who understood motives, a thoughtful and unfailingly courteous colleague, a highly literate and graceful writer, a judge who used powerful analogies, a popular speaker who recited poems with great rhetorical ability and enthusiasm.9

Dad died on Mom’s 82nd birthday, July 28, 2011, at the age of eighty-seven, surrounded by his family. One of the greatest gifts to my family after Dad’s death was the realization that he was appreciated and loved as much in his public life as he was in his private life. And really, he was pretty much the same whether in public or in private. He was unfailingly kind and gentle; he loved the law and lawyers; he was never without a legal pad; and he was always thinking, always reading, always writing, and often laughing. He loved music, plays, poetry, mysteries, biographies, history, and The New Yorker. He was disinterested in the accumulation of wealth

6. Id.
9. Id. at 760.
or material things. He always wanted to live where he could walk to work, and he wanted to travel through life as lightly as possible.

His favorite book was James Boswell’s *The Life of Samuel Johnson*. His favorite poet was Robert Frost, and his favorite quote was Frost’s definition of liberty as “feeling easy in your harness.”

At the end of Dad’s life, he taped a sheet of paper on his dressing room mirror with certain poems he could read as he was preparing himself for the day. I thought you might enjoy them, too, and so I include them with these remarks.

10. There is some indication Frost may have used the word “freedom” instead of “liberty.” See *The Robert Frost Encyclopedia* 327 (Nancy Lewis Tuten & John Zubizarreta eds., 2001).
Bitter Sweet

Ah, my dear angry Lord,
Since thou dost love, yet strike;
Cast down, yet help offered;
Sure I will do the like.

I will complain, yet praise;
I will bewail, approve;
And all my sour-sweet days,
I will lament, and love.

God, hear beat
The preservation of personal identity and the possibility of communion beyond the grave are essential to the conception of a happy death.

It is therefore with calm confidence that I look for the Resurrection of the dead and the life of the world to come.

George Washington Peper
Philadelphia lawyer
THE THINGS

When I walk in my house I see pictures, bought long ago, framed and hanging—de Kooning, Arp, Laurencin, Henry Moore—that I've cherished and stared at for years, yet my eyes keep returning to the masters of the trivial: a white stone perfectly round, tiny lead models of baseball players, a cowbell, a broken great-grandmother's rocker, a dead dog's toy—valueless, unforgettable detritus that my children will throw away as I did my mother's souvenirs of trips with my dead father, Kodaks of kittens, and bundles of cards from her mother Kate.

—Donald Hall
The life of grace and the life of glory
are but the same.
And death is but a change in range,
and nothing strange.

unknown

I’ve done my work
I’ve sung my song
I’ve done some good
I’ve done some wrong
And now I shall go where I belong,
for the good Lord wills it so.