A Tribute to Rosalie E. Wahl

A. M. Keith
A TRIBUTE TO ROSALIE E. WAHL

Hon. A.M. Keith†

When Rosalie E. Wahl enters your life, it is an experience! I was one of the fortunate few who spent 30 to 40 hours a month for five and one-half years working with this remarkable associate justice at the Minnesota Supreme Court.

I had never met Justice Wahl when I read in the Metropolitan Press that my long-time political friend, Governor Rudy Perpich, would appoint her the first woman to the court. What a difference she has made for men and women alike.

My initial experience with Justice Wahl was serving as a lawyer member on the Gender Fairness Task Force. This was my first professional experience serving on a committee with a majority of women judges and attorneys. It wasn’t long before we all realized there were gender-based stereotypes, myths, and biases within the judiciary. Under her leadership, we examined the problems, suggested short and long-term solutions, and put in place the machinery to change the judiciary. It was only the beginning, but it was the beginning and it is continuing.

Justice Wahl also chaired the Minnesota Task Force on Racial Bias in the Courts, perhaps the most difficult of all her administrative assignments. The recommendations of this report are only now being implemented by the judiciary under the leadership of Justice Alan Page. It will take intelligence, persistence, and judicial leadership well into the next century to eradicate the ethnic and racial problems that have developed in our fast changing and far more diverse Minnesota justice system. Justice Wahl would expect no less.

† Chief Justice, Minnesota Supreme Court.
1. On October 3, 1977, Justice Wahl became the seventy-second justice of the Minnesota Supreme Court.
2. On June 8, 1987, Chief Justice Amdahl, by formal order, created the Minnesota Supreme Court Task Force for Gender Fairness in the Courts and appointed its thirty members. The results of the Task Force were first published in September 1989 and have been updated periodically.
3. On December 24, 1990, Chief Justice Keith signed an order creating the Minnesota Task Force on Racial Bias in the Courts. The results of the Task Force were published in May 1993.
Justice Wahl understands better than most that women and minorities in this generation, and preceding generations, have struggled in their private, professional, and public lives to have their contributions accepted and valued. She has tried to change this inequality of power as a leader of the Minnesota judiciary. She knew that the judiciary is often called on to determine the effectiveness of other social institutions and, to be effective, the judiciary must eliminate its own gender and racial biases.

On the national level, she played a key role in the late 1980s as chair of the ABA Section on Legal Education and Admission to the Bar. In part because of her leadership, clinical education and hands-on skills training have become a more prominent part of our law school education, along with traditional classroom lectures and dialogue. 4

But it was the day-to-day life with Rosalie that made my first five and one-half years on the court so worthwhile. There is no one on this earth who could so effectively tell me I was wrong or misled. And because of her mannerisms and collegial methods, I would appreciate and often accept her scrutiny and advice without raising my voice, grumbling, or silence. Her warm sense of humor and fairness often dominated the conference room.

She made her unique contributions by listening, speaking firmly, and writing clearly. In that beautiful woman is an intense commitment to fairness growing out of a personal recognition of the injury of injustice and unfairness. She challenged each of us to question how and why some persons are traditionally considered bad or less able or what makes some people more likely to be faulted for their actions. She gave each of us on the court a broader vision of what equal treatment might mean.

4. Under Justice Wahl’s leadership, the American Bar Association’s Section on Legal Education and Admissions to the Bar hosted the National Conference on Professional Skills and Legal Education, out of which came the Task Force on Law Schools and the Profession: Narrowing the Gap, Legal Education and Professional Development—An Educational Continuum. In 1992, this Task Force produced the McCrake Report, which caused the legal profession to re-examine the role of legal education. She challenged each of us to question how and why some people are traditionally considered bad or less able or what makes some people more likely to be faulted for their actions. She gave each of us on the court a broader vision of what equal treatment might mean.
My wife, Marion, on behalf of both of us, wrote these words in tribute to Rosalie Wahl:

Rosalie, as a court associate, knew many things. Some, the intellectual inheritances available to seekers, Some, intuitively.

In these two ways, Rosalie knew, May I say, The constitutionality of things.

*She knew,*
"Minds are like parachutes, They only function when they are open."

*She knew,*
"Religion is a way of walking, not talking."

*She knew,*
"There is no better exercise for the heart than reaching down and lifting people up."

And so,

Rosalie, if it is true that one faces the future with one's past, In your future, you will be, if I may, The palm tree, With its beautiful endogenous growing pattern, Ever growing from inward to outward, Without contradiction, Both sheltering and allowing light.