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DOUGLAS AMDAHL—FOREVER A TEACHER

ERIC J. MAGNUSON†

I am sure that the accolades which will follow The Honorable Chief Justice of the Minnesota Supreme Court, Douglas K. Amdahl, through his formal retirement and into his life as a private citizen will be rich in their praise, warm in their sentiment and filled with references to his scholarship and judicial excellence. All such tributes are, without question, well deserved. They will not tell of his greatest attribute, however. Douglas Amdahl is a great teacher. Like all great teachers, he is also a great student. Those are the qualities which I will remember as most marking his tenure on the bench.

I was fortunate enough to be one of the many young law students he took under his wing as an “assistant judge,” or, to the outside world, a law clerk. My last two years in law school consisted of night classes in the theory of law and daily lessons in the law’s realities. Motions and trials, sentencing and probation revocations, the world passed through our court room in an unbroken parade. I learned some lessons quickly. Everyone who came to court was to be treated with respect and compassion, even when I didn’t think they deserved it. We were public employees, and the public had the right to see us do our job; moreover, it was our job to do the business of the courts, even if it meant long hours. These were lessons which were taught by example, an example which many other good judges also set.

What struck me most strongly, however, was the judge’s incessant desire to improve not just himself, but all those who came in contact with him. I remember vividly a court trial in which two young lawyers wrestled with complicated facts, difficult witnesses and uncertain law. Their inexperience was evenly matched. The outcome of the case does not come to mind, nor was it of more than passing importance in the lives

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of all involved. What I recall so clearly is the piles of little yellow slips of paper that accumulated on the judge's bench throughout the trial. They sat there in three neat, roughly equal piles, growing with each session. At first I thought that his Honor had developed a new method of keeping track of the testimony, perhaps by the subject matters of liability and damages. But I noticed that the judge continued to keep his usual careful notes of the case in his judge's ledger, and it was the only thing he referred to when a question arose in the course of the proceedings. My only other thought was that he was keeping score, giving each side a "point" when it was earned in the course of the legal battle. But why three piles? I thought that there must be a pile for ties.

At the end of the case, as he sometimes did, the judge surprised the attorneys and their clients by dictating into the record his detailed findings and conclusions. I knew that he would often start writing them as the case progressed, as he came to understand the issues, and heard the evidence. The result was not surprising to any of the participants, and after announcing his decision, the judge bade farewell to the parties, assuring them that although he needed to speak with their attorneys in private, it had nothing to do with the merits of their case. He then asked the attorneys to remain in the court room for a few minutes. It was then that we all learned the purpose behind the piles of notes.

Once the clients were gone, the judge thanked both attorneys for their efforts in presenting the case. Being young and inexperienced enough to believe he really meant it, both attorneys thanked him for his comment. He then told both of them that he knew they were relatively new at trial work, and that he had made some notes on things they might want to think about before they tried their next case. He then reviewed two of the three piles of notes, each one containing observations that the judge had made about the style, demeanor, skill (or lack of it) and general courtroom habits of the two fledgling attorneys. The comments carried a nice blend of fatherly advice, practical wisdom and humor. They were neither condescending nor unduly critical, and were accepted in the same spirit they were given—friendly cooperation between professionals who could each make the other's job easier. After being taken somewhat aback at the start of the conversation, the attorneys soon felt at ease explaining to the judge why they had done certain things,

and thanking him for his suggestions. I know that they both left the courthouse that day feeling that they could handle this trial work.

After they were gone, the judge gathered up the third pile of notes, and turned to me. He told me that there were some things that he didn't tell the lawyers, because they would simply have to learn them on their own. He then read the notes to me, which contained snippets of the reasons that he decided the case the way he did—which witnesses he believed and why, what exhibits he found helpful, what legal points the lawyers had made or failed to make. I thought that I had learned a great deal from his discussion with the attorneys, but it was nothing compared to how I benefited from seeing how their efforts had wound up as impressions and conclusions of the judge.

One of the greatest gifts anyone can give is knowledge. Unlike other gifts, knowledge is never lost (sometimes misplaced or temporarily forgotten, but never lost), and the giving of the gift does not diminish the giver in the least. Indeed, a teacher will himself learn by the process of teaching.

Upon his retirement from the position of judge, Douglas Amdahl will no longer be able to decide cases brought to him. He will never stop, however, teaching those who meet him along the way.

