



Henry J. Fletcher
Law Review Founder

Annual Banquet to Spotlight Three Alumni

Myron Bright, Sam Kaplan, and John Mooty will be honored as this year's Distinguished Alumni.

Mark your calendars for the *Law Review's* 2007 banquet on April 12th at the Marriott City Center in downtown Minneapolis. The banquet will feature brief remarks on the topic of "Civic Engagement and the Citizen Lawyer" by this year's three Distinguished Alumni Award Recipients: Judge **Myron Bright**, **Sam Kaplan**, and **John Mooty**.

"We are trying something different this year," said current *Law Review* editor Jessica Johnson, co-chair of the Alumni Committee. "There will be no keynote speaker. Instead, we want to give our honored alumni more time to speak at the banquet."

Judge **Myron Bright** (vol. 31) was appointed to the Eighth Circuit Court of Appeals in 1968. He served as an active circuit judge until June 1985 and has since served as a senior circuit judge. He has heard more than 6,000 cases. Judge Bright also served as a captain in the U.S. Army Air Corps (1942-46). Since his appointment to the federal bench, Judge Bright has had a

continuing involvement with legal education, ranging from lectures at numerous law schools to the initiation of a week-long Jurist-in-Residence program. In 1999, volume 83 dedicated an issue of the *Law Review* to Judge Bright's career.

Sam Kaplan (vol. 43-44) is a founding member and the current president of Kaplan, Strangis and Kaplan in Minneapolis. He served as chairman of Sen. Paul Wellstone's successful 1990 and 1996 political campaigns, currently serves on the Board of Directors of Wellstone Action, and co-chaired John Kerry's 2004 presidential campaign in Minnesota. Kaplan is a former member of the board of the Harry Kay Charitable Foundation and past president of the Minneapolis Jewish Federation. He currently sits on the Law School's Board of Visitors.

John Mooty (vol. 27-29) has practiced law with Gray Plant Mooty in Minneapolis since 1944. Mooty is very active in the business community, currently serving on numerous boards, including International Dairy Queen and Culligan. Additionally, Mooty is a past president of the University of Minnesota Alumni Association, Minneapolis Rotary Club, and the Citizens League. He also chaired the Governor's task



Sam Kaplan



Judge Myron Bright (left) and John Mooty.

force on education. The University honored him in 1985 with its Alumni Service Award and in 1990 with its Outstanding Achievement Award. Mooty is also in the Minnesota Business Hall of Fame.

This year also marks the fiftieth anniversary of volume 41 (1956-57), the twenty-fifth anniversary of volume 66 (1981-82), and the tenth anniversary of volume 81 (1996-97). Members of these volumes are invited to join the celebration in recognition of their anniversaries and to reminisce with their former *Law Review* co-members.

The banquet is scheduled in conjunction with the Law School's Alumni Weekend (April 12-15). Details for the weekend, open to all Law School alumni, can be obtained from Scotty Mann, Director of Alumni Relations, at (612) 626-5899 or smann@umn.edu, and online at <http://www.law.umn.edu/alumni/index.html>.

April 12, 2007

Marriott City Center
Minneapolis

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Catching Up With...



Tracey, Finlay, Claire, and Evan Donesky.

Tracey & Finlay Donesky

The *Law Review* has sparked its share of romances. But it cannot take credit for the Doneskys. A Shakespeare poster in Kentucky brought these Canadians together long before either served on the *Law Review*.

Born and raised in Canada, **Tracey** (vol. 83-84) attended the University of Kentucky. There, she met **Finlay** (vol. 85-86), who was an English professor. (“I was never his student,” Tracey quickly mentions.) Tracey had to turn a form in to Finlay regarding an English honors program, and she noticed a Stratford (Ontario) Theatre Festival poster on his office wall. Shakespeare and the fact that they were likely the only Canadians in Kentucky created an immediate connection between Tracey and Finlay.

Finlay was born in India to Canadian parents and grew up in Canada and the U.S. He earned his doctorate in English from the University of Michigan, then taught at Canadian and American colleges. He and Tracey were married in 1996. They moved to Minnesota the following year for its lifestyle, law school, large number of golf courses (Tracey golfed at UK), and excellent cross-country skiing.

Tracey graduated from the Law School in 2000 and, while Finlay served on the *Law Review*, clerked for Judge **John Tunheim** (vol. 63-64). She has spent the last five years at Leonard, Street and Deinard, where she practices employment law. Growing out of his and Tracey’s experiences moving between and working in two different countries, Finlay started his own firm that specializes in immigration law. //

John Ellingboe & Debbie Ellingboe

John Ellingboe (vol. 61-62) and his *Law Review* colleagues went to the Viking Bar on Riverside to unwind and play pinball after citechecks. By the time his niece **Debbie Ellingboe** (vol. 78-79) arrived at the Law School, much of the *Law Review* crowd had migrated to more welcoming environs of Sgt. Preston’s. Whether the different social experiences had any impact on John’s decision to pursue a transactional practice and Debbie’s decision to pursue a litigation practice, no one can be sure.

After graduating from the Law School, John went on to work in the corporate departments at Dorsey & Whitney and Briggs and Morgan. He served as senior vice president of business development, general counsel, and secretary of Fingerhut Companies, Inc., and chief operating officer of Ovations, a United Health Group business. He is currently the president of mergers and acquisitions at NJK Holding Corporation, a private investment and management company.

Debbie, on the other hand, served as a clerk to Judge James Rosenbaum before joining the business litigation group at Faegre & Benson in Minneapolis, where she is now a partner. Although the pace and pressure of the practice of law has increased substantially over the years, Debbie still attributes any grey hair that she has to her days as editor-in-chief. //



Debbie Ellingboe



John Ellingboe

John Mooty & Melvin Mooty

Looking down the *Law Review* alumni list, its impact on the Minneapolis legal community is clear: Whitney. Fredrikson. Deinard. Lindquist. Robins. Rider. Wolff. Larkin. But no firm – at least in name – represents the *Law Review* better than Gray Plant Mooty, Minnesota’s oldest continuous law firm. And two brothers are at the firm’s center.

Older brother **John Mooty** (vol. 27-29) attended law school first and served on three volumes of the *Law Review*. After graduation in 1944, John started at the Kingman law firm, Gray Plant Mooty’s predecessor. 63 years later, he still works there.

Not to be outdone, younger brother **Melvin Mooty** (vol. 33-35) followed his older brother from southwestern Minnesota to the Law School and the *Law Review*. After graduating in 1951, Melvin joined Kingman, where he practiced for over 50 years.

Along with becoming a high-profile attorney, John helped

turn the struggling Dairy Queen and National Car Rental corporations into successful businesses. Melvin did not always follow John; he became a distinguished business and real-estate attorney in his own right. Both brothers are generous supporters of their communities and the University of Minnesota.

“I have been very fortunate to have practiced for over 50 years with so many distinguished lawyers and, in particular, my brother,” Melvin remarked. John echoed his younger brother: “Practicing law for over a half century with my sole sibling is great fortune.”

The Mootys and their firm never lost sight of the *Law Review*. Along with John and Melvin, **Frank Plant** (vol. 19-20) spent all but four years of his long legal career at Gray Plant Mooty. The firm has also sponsored the *Law Review*’s annual distinguished alumni awards. //



John Mooty



Melvin Mooty

The Imprint of Professor Robert McClure

“Boots” McClure left his legacy on students and the First Amendment.

By the time he retired from the Law School, Professor **Robert McClure** (vol. 21) had taught half of its living alumni. Affectionately known as “Boots” because of his penchant for dynamic footwear, McClure passed away on February 2, 2007, in Minneapolis. He was 91.

Born in St. Paul, McClure graduated from the Law School in 1939. He briefly worked at a St. Paul law firm, then moved to New York in 1942 to join the FBI. He returned to Minneapolis in 1946 and began teaching at the Law School. He retired in 1985 after 39 years on the faculty.

“He was not only a terrific scholar but a nice person as well,” former student **Walter Mondale** (vol. 39) told the *Minneapolis Star Tribune*. “He was one of the most respected and beloved. We all loved the guy.”

While he primarily taught creditors’ remedies and secured transactions, McClure’s academic legacy is in the area of obscenity law. Between 1954 and 1961, McClure and colleague William Lockhart authored four influential articles on the subject, two of which appeared in the *Law Review*.



Supreme Court Justice William Douglas relied heavily on their earliest articles in his well-known dissent in *Roth v. United States* (1957). The four McClure-Lockhart articles have been cited in 11 Supreme Court opinions.

Dean **Robert Stein** (vol. 44-45), a colleague of McClure’s for 20 years, reflected on McClure’s career in volume 69 of the *Law Review*. “Bob McClure always exhibited great concern for his students. He has been generous with his time and eager to meet with individual students.... Future students will not have the wonderful experience of learning from this man who cared so much that his students learn.”

Two Recent Alums Receive Prestigious Fellowships

Two recent members of the *Law Review* have been appointed Bristow Fellows by the U.S. Solicitor General’s office. **Ryan Scott** (vol. 88-89) is currently a Fellow. Scott started his fellowship after clerking for Judge Michael McConnell of the Tenth Circuit Court of Appeals. **Matt Krueger** (vol. 89-90) will begin his fellowship in the fall. He clerks for Judge Paul Niemeyer of the Fourth Circuit Court of Appeals.

Bristow Fellows help draft briefs in opposition to certiorari filed in the U.S. Supreme Court against the government. They also help prepare recommendations to the Solicitor General regarding authorization of government appeals in lower courts. Typically, only four Fellows are chosen each year.



Ryan Scott (top) and Matt Krueger (bottom)

The Editor’s Desk

Some employers and *Law Review* alumni are disappointed to learn that our members are no longer selected solely on the basis of grades. We are not unique; most top journals have only a limited number of “grade on” spots.

Stakeholders want the *Law Review* line on a resume to be meaningful, and using grades as the sole selection criterion suggests that “Law Review” is simply shorthand for “smart.” Yet the intelligence measured by a three-hour exam does not always equate with success on *Law Review*.

Students who petition to join the *Law Review* must write a closed-universe case comment over a grueling two-week period after spring exams. Last year we added a Bluebooking exercise to this “petition score.” We offer staff positions to the nine 1Ls with the best petition scores and GPAs, equally weighted. Then, we offer 20 staff positions to the students with the best remaining petition scores. Finally, we offer nine positions to petitioners with effective personal statements, weighting them 25% and the petition score 75%.

In most years, the nine petitioners in the first category would likely make the cut on the strength of their petition alone. But GPA is an imperfect proxy. Of the unsuccessful petitioners with the top GPAs this season, average petition scores were well below the *Law Review* median. While GPA may correlate slightly with strong citechecks, petition scores better correlate with student publication. This confirms the hypothesis that compared with exams, petitioning more closely reflects the *Law Review* writing experience.

Our selection criteria are not perfect, but looking at a broader range of skills helps us select a diverse group of staff members—from all GPA quartiles—with the talent and motivation to contribute to our success.

Amy Bergquist is the editor-in-chief of volume 91. She will clerk next year for Judge William Fletcher of the Ninth Circuit Court of Appeals.



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The Fletcher Files is published twice annually. Send news, articles for submission, updated contact information, or general feedback to Ryan Stai, 2414 Buchanan St NE, Minneapolis, MN 55418 or ryan.stai@leonard.com. The submission deadline for the fall 2007 issue is August 10, 2007.

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Ryan Stai*

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Amy Bergquist (vol. 90-91)
Jessica Johnson (vol. 90-91)*

Alumni News

Stacy Bettison (vol. 82-83) and **Clint Schroeder** (vol. 38-39) received “Hats Off” Awards from the University of Minnesota Alumni Association for their volunteer service.

Peter Carlton (vol. 79-80) is Chief Counsel to Member Peter Kirsanow at the National Labor Relations Board in Washington, D.C.

Abigail Crouse (vol. 84-85) was elected principal at Gray Plant Mooty. She practices in the firm’s labor and employment law practice group in Minneapolis.

Steven DeRuyter (vol. 54-55) of Leonard, Street and Deinard was elected chair of the board of People Serving People, a community-based family homeless shelter.

John Docherty (vol. 69-70) is taking several years off from the U.S. Attorney’s Office in Minneapolis to work with the Office of the Prosecutor, International Criminal Tribunal for the former Yugoslavia in the Hague, Netherlands.

Joan Heim (vol. 51-52) has rejoined the FTC as a Deputy Assistant Director in the Mergers IV Division. Joan’s father **John Heim** (vol. 20-21) was the agency’s executive director during the Eisenhower Administration.

The University of St. Thomas School of Law has established the **Thomas E. Holloran** Center for Ethical Leadership in the Professions. Holloran (vol. 36-37) is a professor and senior fellow at St. Thomas. His distinguished career includes private practice at Fredrikson & Byron, executive positions at RBC Dain Rauscher and Medtronic, and public service as a municipal court judge and city mayor.

Rob Hogg (vol. 78-79) was elected to the Iowa State Senate. He previously served in Iowa’s General Assembly.

Ann Iijima (vol. 68-69) is the Vice Dean for Academic Affairs/Programs at William Mitchell College of Law. Professor Iijima has taught at William Mitchell since 1990.

Lucinda Jessen (vol. 67) is leading Hamline Law School’s new Health Law Institute.

Ryan Johnson (vol. 82-83) has been named a shareholder at Fredrikson & Byron in Minneapolis. He works in the firm’s Corporate, Health Care, and Entertainment groups.

Randy Johnson (vol. 57-58) was reelected chairman of the Hennepin County Board of Commissioners. He has served on the Board since 1979, longer than any other commissioner in the Board’s 150-year history.

Brad Keil (vol. 67-68) is serving as the interim board chair of the Greater Twin Cities United Way. He is a partner at Oppenheimer, Wolff & Donnelly in Minneapolis.

Steve Lentz (vol. 73-74) was elected partner at Faegre & Benson. Steve is in Faegre’s investment-management practice.

Ruilin Li (vol. 85) has been named a shareholder at Fredrikson & Byron in Minneapolis. She is a member of the firm’s Corporate, Securities, and International groups.

Jack McGirl (vol. 45-46) has retired from Leonard, Street and Deinard and is looking forward to the warm weather in Arizona.

Walter Mondale (vol. 39) recently donated an extensive array of documents from his public career – even his law school notes – to the Minnesota Historical Society.

Dave Potter (vol. 63-64) now chairs the Policy Committee at Oppenheimer, Wolff & Donnelly, where he has practiced for 25 years.

John Simonett (vol. 34-35) received the *Fidelis Apparitor* award, which is given to good and faithful servants of the law, from the College of St. Benedict in St. Joseph, Minn.

Ed Winer (vol. 51) was named one of the top 100 attorneys in the U.S. by *Worth* magazine. He co-chairs Moss & Barnett’s family law practice group.

Ryan Winkler (vol. 84-85) was elected to the Minnesota House of Representatives.

In Memoriam

Lawrence C. Brown, vol. 42-43
Dec. 8, 2006, Minneapolis

Arthur S. Glazer, vol. 51-52
July 9, 2006, Cincinnati

Charles L. Horn, vol. 36-37
Aug. 18, 2006, Bloomington, Minn.

Curtis B. Kellar, vol. 24
Nov. 18, 2006, New York City

Frank W. Plant, vol. 19-20
Jan. 1, 2007, Plymouth, Minn.

Benno F. Wolff, vol. 10-11
Oct. 4, 2006, St. Paul