

CHIEF JUSTICE GERALD W. VANDEWALLE: STORIES OF A MAN WHO HAS TOUCHED MANY

COMPILED BY MICHAEL L. WAGNER*

INTRODUCTION

Some believe that a judge is to be a gowned robot: superhuman conduits through which the law flows, uncontaminated and uninfluenced by its prophets along the way.¹ Courts have been referred to as a monastery of the intellect, the walls of which should not be penetrated by the experiences of one's own life.

The last thirty years have shown us that a man need not be a robot in order to be an excellent jurist; and the courts need not be monasteries, cutting off their judges from being part of the community which they serve in order to properly dispense justice. On the contrary, as the following comments illustrate—which are but a sample of many which say the same—Gerald VandeWalle is not only an excellent jurist; he is an excellent human being dedicated to justice, honor, integrity, community service and compassion.

*Michael L. Wagner, Esq., the sole owner of Wagner Law Firm, PC, Bismarck, North Dakota, received his A.A. degree from the University of North Dakota-Williston Center in 1983, his B.A. degree in accounting from the University of North Dakota in 1985, and a J.D. degree, with distinction, from the University of North Dakota School of Law in 1988. He clerked for Justice VandeWalle in 1988-89.

1. Gregory Henry, *Pinochet: In Search of the Perfect Judge*, available at <http://www.austlii.edu.au/au/journals/SydLRev/1999/26.html>.

AN ODE TO FRIENDSHIP

30 years on the Bench! 75 years old! I'm far too young to count the Chief as one of my dearest friends, but I do. The good news is I'm younger than he. The bad news is, not by much. He made my tenure on the court a highlight of my life. He taught me, advised me, convinced me sometimes, didn't other times, but in the end, he always encouraged me. His devotion to his family, his county (yes, good old Divide County), his hometown, his state, and his profession never ever waned and his example taught me that those age-old sentiments of dedication and loyalty really are the hallmarks of a good man. The Chief is a very good man. We are lucky to have him!

I extend my warmest congratulations and thanks. Great job, Jerry!

*Beryl Levine, Justice
North Dakota Supreme Court (retired)*

I've known the Chief Justice for over 50 years. We first met in law school. Jerry was one class ahead of me but I did take a lot of classes with his group. Jerry finished and moved to Bismarck and I finished a year later, I moved to Bismarck, and we roomed together. We've been close ever since. He was the best man in my wedding, he's the godfather of my daughter, and so we've been close a long time.

I have a lot of stories, most of them I don't think I can tell! Here are a few things I think most people probably wouldn't know. When we roomed together, we had a third roommate, and the Chief was the cook. And he was a good cook and he stored some plastic utensils in the oven, which was a dumb, dumb place to store them. Our other roommate came home to make a steak and turned on the oven and the smell in that room in that apartment was just absolutely unbelievable.

On another occasion, Jerry was at my father's ranch with me one weekend and we were horseback riding. I let Jerry ride my best horse and we were going fairly fast and the horse stumbled. The horse fell and Jerry fell off. I jumped off of my horse and the first thing I thought of was, "Is my horse injured?" I don't think Jerry ever let me forget that.

Jerry, on behalf of me, Hilda, and the whole family, happy birthday and congratulations on very distinguished career. We are proud of you.

Joe Maichel

Dear Jerry:

I would like to join your family, friends, and colleagues in recognizing your 30 years of outstanding service to the North Dakota Supreme Court. After thirty years of hard work and dedication while on the Supreme Court bench, I would like to wish you many more rich and fulfilling years ahead.

I am also delighted to extend my congratulations on celebrating your 75th birthday.

Best wishes, Jerry! North Dakota owes you a great debt for your service!

Sincerely,
Byron L. Dorgan
U.S. Senator

Chief Justice VandeWalle is truly an exceptional individual and totally committed to the Supreme Court of North Dakota. Everyone knows of his hard work and dedication so it is not unusual to see him in the capitol before and after hours due to his passion for service on the Supreme Court.

On more than one occasion, in the evening I have either come to the capitol or been leaving my office after hours and I notice a tall figure walking in the darkened halls. As the figure approaches, I see that it is Chief Justice VandeWalle getting some exercise between stints pouring over legal briefs and case work. In his work clothes but with sneakers on his feet, he was walking the halls to get some exercise and clear his mind, taking a short exercise break from his diligent work.

I greet him with a “Hi Chief” and he always stops and visits for a few minutes about what he’s working on or what I’m working on or some other item of mutual interest. In these instances and every time that I encounter Chief Justice VandeWalle, he is warm, wonderful, intelligent, humorous, and considerate. He is truly an exceptional individual and an outstanding Justice for the State of North Dakota.

John Hoeven
Governor of North Dakota

During the years 1953 to 1958 I was an Assistant Attorney General for the state of North Dakota. We had a program with the University where the University would send an honor law student to the Attorney General's office for a year's internship. Gerald was that person when he graduated from Law School.

My duties consisted of defending the Unsatisfied Judgment Fund and helping States Attorneys with trial work. Attorney General Leslie Burgum would always see that the intern would get at least one jury trial. It was part of my work to take the intern on his first jury trial.

Gerald's case was a wrongful death type of case where a truck driver backing up between some forms ran over a worker. It was tried in Grand Forks. The plaintiff was represented by a leading capable Grand Forks trial attorney. Gerald performed his duties very well. With Gerald's able help I successfully defended the case. The verdict was for the Defendant. Gerald later said I was his mentor on jury trials. That was more praise than I deserve.

Gerald always looked after his widow mother Blanche. This was especially true during her senior years. I knew Blanche through the American Legion. Blanche was always a very nice lady. She had a super large vocabulary. If I needed to know the meaning, spelling or pronunciation of a word, I would ask Blanche. Gerald has my compliments on the care he gave his wonderful mother.

May I wish Gerald a Happy 75th Birthday and compliment him on 30 years of outstanding service.

Frank Kosanda

For most of us who have practiced law and/or sat on the bench, particularly if you have been doing it for more than forty years, there are a number of individuals to whom you are indebted for their counsel, guidance, support and, most importantly, their friendship. I don't believe there is anyone who has been more helpful to me in my career in the legal profession than Chief Justice VandeWalle. Following my four years as a Captain in the Judge Advocate General's Corps of the Army, I returned to Watford City where I practiced from 1971-1983. During most of that time, I was the McKenzie County State's Attorney, the attorney for the City of Watford City and attorney for the local school board. For seven of those years, Jerry VandeWalle was in the Attorney General's office. He was extremely helpful to me during those years. From October of 1983 until November of 1991, I was privileged to serve as a Justice of the North Dakota Supreme Court where I had the pleasure and privilege to serve with then Justice VandeWalle. He was an extraordinary jurist, a wonderful colleague and set a standard for everyone, as he has in all his endeavors, going all the way back to law school where he was first in his class. I have no doubt that he has been a truly outstanding Chief Justice.

Jerry's record of service to the state of North Dakota and the legal profession may be unequalled in our state. By the time of this recognition he will have, between the Attorney General's office and the Supreme Court, served in the Capitol for fifty years, importantly fifty years of extraordinary work ethic and excellence. He has also made his mark on the national level with the Conference of Chief Justices, outstanding service in the American Bar Association and the list goes on. He has been a true professional in all that he has done and has always been a consummate gentleman. Having him as a wonderful mentor, colleague and friend has greatly enhanced my life. Thank you, Jerry!

H. F., Sparky Gierke

United States Court of Appeals for the Armed Forces

It has been my good fortune to have attended the North Dakota School of Law from September 1954 to my graduation in June 1957. Gerald VandeWalle came to UND in the fall of 1955 as a first year law student. UND's law classes were in the 25 to 30 member range during those years so it was easy to get acquainted across class lines. During my last two years of law school Jerry VandeWalle and I became good friends as we enjoyed the daily give and go of law school. That friendship has lasted through the years.

In my last year at the law school, I was appointed as a Recent Case Editor of the North Dakota Law Review with Francis Breidenbach as our Editor in Chief. One of my assignments was to edit Jerry's recent case submission. His recent case comment appeared in the January 1957 edition of 33 N.D. Law Rev. pp. 122-124.

The case under discussion was *Amerada Petroleum Corporation v. Burline*, 231 F.2d 862 (10th Cir. 1956). The title of the comment was TRUSTS—CONSTRUCTIVE TRUSTS—FIDUCIARY STATUS OF CORPORATE EMPLOYEES AND OFFICERS.

The case involved the plaintiff's claim that the defendant as an employee of the plaintiff corporation should be held subject to a constructive trust in favor of the plaintiff for any mineral interests that the defendant employee had purchased to his own account while employed by the plaintiff as a production manager on the oil field operations in the Williston Basin where the disputed mineral acres were located.

In this early example of legal writing our future Chief Justice exhibited a maturity of language and style that has been shown over and over again in his early professional work as Assistant Attorney General and later in his many opinions as a Justice of our North Dakota Supreme Court.

As a then newly minted recent case editor, it was a real pleasure for me to work with Jerry on his law review materials. His congenial nature and apparent legal writing skills made my part of the job very easy.

I have sincerely enjoyed working with Chief justice VandeWalle in the North Dakota judicial system during the many years that we have served our state. I wish him a bright and happy future in his personal and professional life during the years ahead.

Kirk Smith
Surrogate Judge

I always admire Chief Justice VandeWalle's grasp of the "big" picture as it pertains to state government and the role of the court. In my interaction with him, he always is courteous and a true gentlemen in very sense of the word. The following are two examples of his sensitivity to the "big" picture as it relates to my position.

In July 1995, the Supreme Court found a state law unconstitutional, which I was responsible for administering. The Chief Justice authored the court's decision and as a footnote to it, he added this statement, "We note that the Secretary of State has no authority to rule on the constitutionality of statutory directives, and therefore Jaeger did the only thing he could do when faced the attempted submission of petitions after 5:00 p.m." In other words, even though the law ultimately was ruled unconstitutional, I was doing my job correctly and in accordance with the law at the time. It was not necessary for him to add the footnote to complete the finding of the court. Nevertheless, I will always be extremely grateful he did and that he thought it was important to note it as part of the court's record.

The more recent event was in the fall of 2006. The Chief Justice had become concerned about the role of the clerk of courts in the election process since almost half of them were now employees of the state court system. Rightly, he determined there could be a conflict in the event the court was ever faced with making an election related decision in which one of its employees (clerk of court) had a part. Although he had a potential bill drafted, he made it a point first to meet with me before it was introduced. I am glad he did. Once we understood his concern, my staff and I were able to identify the appropriate position in county government to take over the role of the clerk of court in elections, solicit their willingness to serve, and include the change in several legislative bills assuring the responsibilities were changed in all applicable sections of the Century Code. Again, his sensitivity to my duties as the state's chief election officer and allowing my office to be involved with resolving his concerns was commendable. He understood the big picture.

I watched with admiration his devotion to his mother in his caring for her for so many years.

Finally, I like his great sense of humor and his caring for the greater good.

Al Jaeger

North Dakota Secretary of State

My first encounter with Justice Gerald VandeWalle made a profound impact upon me. It was 1979. Justice VandeWalle had been appointed and then elected to the Supreme Court in 1978. As the newest Justice, he had been dispatched to the UND Law School to represent the Supreme Court at a law school function. As part of the festivities, Justice VandeWalle attended a dinner with a handful of law students. I was at the dinner.

I really wasn't looking forward to the dinner because, as any law student will tell you, any activity that intrudes upon your study time is not a welcome one. Moreover, I was very concerned about my ability to keep up my end of the conversation with a sitting Supreme Court Justice. Since I had never met a Supreme Court Justice, my view of what a Justice was like was somewhat skewed. My expectation was that the conversation would be stuffy and perhaps boring. My words would have to be carefully chosen because, of course, a Supreme Court Justice would carry some degree of arrogance and condescension, and I was fearful that I might say something that was deemed less than intelligent—or worse yet offensive—to the haughty Supreme Court Justice.

All of my fears and preconceptions disappeared within minutes after meeting Jerry VandeWalle. Although we were only lowly law students, Justice VandeWalle treated all of us with the highest degree of respect. He was genuinely interested in each of us, and spent the evening discovering more about our interests and backgrounds. It surprised me then—but after having witnessed this many times over, this is no longer a surprise—that when I mentioned that I was from Wahpeton, Justice VandeWalle knew some of the same people I knew, and was able to tell me stories about them, and then he was able to continue on to stories about their relatives. Whether Justice VandeWalle is talking to somebody from Wahpeton or Wilton or Williston, he still has an amazing recollection of names and relationships.

The dinner that evening lasted nearly three hours, but it passed all too quickly. The topics of conversation ranged from families, to hobbies, to interests, to gardening, to art and even philosophy. Justice VandeWalle clearly led the conversation even though he spent much of the time listening. His wit and humor unexpectedly captivated all of us. (I'm not sure why, but I never expected a Supreme Court Justice to have a sense of humor!)

During this initial meeting, I was extraordinarily impressed with Justice VandeWalle's warmth and genuineness. He was obviously dedicated to his family, and impressed upon us the importance of ours. He was kind and considerate, and impressed upon us the importance of being considerate to

others regardless of occupation or status. He talked about the “higher calling” that represented the practice of law, and impressed upon us the values of professionalism and collegiality. Finally, Justice VandeWalle demonstrated an unexpected humility that would leave a stranger never able to guess that he was a Supreme Court Justice.

The dinner was nearly thirty years ago, but remains a fond memory even today. Justice VandeWalle perhaps never realized the impact that he had upon this lowly law student that evening. Nonetheless, many of the lessons that I learned from Justice VandeWalle that evening have been a valuable guide throughout my legal career. Humility. Kindness. Consideration toward others. The importance of family. Professionalism. And not lost upon me was the principle that “nice guys” can finish first.

Justice VandeWalle has gone on to many achievements since our initial meeting. However, he remains the same kind, humble, witty, intelligent, and talented man whom I first met as a law student.

I frequently cross paths with Justice VandeWalle at legal, court or bar association activities. Each time I see him I am taken back to the warmth and fond memories of a dinner on a cold evening in Grand Forks many years ago. And I smile.

Michael J. Williams

MARING WILLIAMS LAW OFFICE, P.C.

One of the best lessons I learned from Chief Justice VandeWalle was back in my early days of practice when I was arguing a case before the Supreme Court. I was green and he was not yet Chief Justice. He said to me, “Counsel, I don’t know if you’re nodding your head because you agree with me or if you are just trying to understand the question.” It was a simple thing, but one I remember. To this day, I’m careful about nodding my head! I recently shared this with him, and we both had a chuckle.

Colette M. Bruggman

Chief Deputy Clerk

North Dakota Supreme Court

I was Chief Justice VandeWalle's first law clerk from 1978-1979. The best way to describe how I came to hold that honor is to say that we inherited each other. I had interviewed with and was hired by Chief Justice VandeWalle's predecessor on the court, Judge Robert Vogel. I turned down another clerkship opportunity specifically so that I could work with Judge Vogel, so you can imagine the distress that I felt in the summer of 1978 when he told me that he was leaving the court to teach fulltime at the University of North Dakota School of Law. Chief Justice VandeWalle was under no obligation to keep me on as his law clerk, but I was grateful when he decided to do so.

I knew very little about Chief Justice VandeWalle when I began working with him except that he had served the State of North Dakota for many years in the Attorney General's office. On a personal level, I immediately found that Chief Justice VandeWalle was a pleasure to work with—anyone who knows him well knows that he takes a personal interest in the lives of those around him, he has a great sense of honor, and always looks for the good in people. What impressed me from the beginning was that he seemed to know personally most of the approximate 650,000 people who lived in North Dakota back then. There were not many North Dakota cases or issues that we discussed in which he did not know at least some of the people involved.

On the professional side, I quickly learned three things about him. First, I thought I learned how to read statutes in law school, but the year with Chief Justice VandeWalle was like a fourth year of law school on the topic of statutory construction. This was based in part on his knowledge of North Dakota law, legislative history, and public policy, but mostly it resulted from his strong intellect and desire to get it right. Second, he was an excellent (and stubborn) writer. Back then, I thought that I was a hotshot writer and had not yet learned that there were lots of others who could write pretty well too. From the first draft opinion that Chief Justice VandeWalle gave me to review, I was impressed with the clarity of his writing and his fierce defense of each and every word that he wrote. I quickly discovered that, if I edited anything, I had better be prepared to defend it. Third, early on I saw first hand the depth of his personal integrity. Shortly after he was appointed to the court, an opponent ran against him in his first judicial election. You can tell a lot about a person by how he or she acts in times of stress. On top of learning to be a judge and settling into a new job, Chief Justice VandeWalle faced a contested election, which created great uncertainty and much stress. Chief Justice VandeWalle's integrity,

reflected in his desire to always take the high road during that election process, has served as a model for me during hard times in my own professional life.

As you can probably tell, I thoroughly enjoyed my year as Chief Justice VandeWalle's law clerk and those twelve months went by like a blink. All North Dakotans have benefited from his lifelong dedication to public service and the administration of justice. I consider myself fortunate to have been his first law clerk.

John M. Koneck, Law Clerk (1978)
Fredrikson & Byron, P.A.
Minneapolis, MN

It has been 28 years since I had the privilege to serve as a law clerk to Chief Justice VandeWalle. He was not the Chief at that time, but the newest member of the court. Even at that stage of his judicial career, he was well respected by his colleagues on the bench, by the staff, and the practicing bar.

I remember Justice VandeWalle reminding me, as a young lawyer with limited people skills, that you "catch more flies with honey than with vinegar." Gentle persuasion and maintaining respect are a better course than hostile confrontation in developing working relationships. His homey phrase reflects the down home common sense of Justice VandeWalle and his deep North Dakota roots. He prominently displayed in his office the largest picture I have ever seen of a family farm. Justice VandeWalle was proud of his farm heritage and the state he has so nobly served both on and off the bench.

My congratulations to one of the finest men I know.

Paul K. Sandness, Law Clerk (1979)
Montana Dakota Utilities General Counsel and Secretary

Dear Chief Justice VandeWalle:

Let me start by telling you how nice it is to have the opportunity to write something good about a person with no need whatsoever to even consider resorting to fiction.

I was fortunate to have known you for several years before becoming your clerk. Relatively speaking, I did not learn much from you about law per se. You knew that wasn't your responsibility, and were likely relieved given how much appeared to remain of that daunting task after I started my clerkship with you. Rather, I learned from you that a successful career in law needs to embrace much more than law books, briefs, opinions, statutes, rules, etc. I learned about that from watching you walk, not listening to you talk. That is, to me, your actions did and continue to reflect the importance of and your devotion to your family, your community, your state, and to mankind. Those actions have always been steeped in fairness, warmth, patience, humor, and heartfelt kindness.

You were regularly challenged to bestow upon me the benefits of all those qualities and attributes during the year we spent together. From there, I began my career as a practicing lawyer, always happy and proud to have maintained my friendship with you. I have struggled to develop and practice in my career those qualities I have known in you. I've had varying degrees of success and am still working on them—while all this time, you have made it look so easy.

Jerry W. Evenson, Law Clerk (1980)

You're in a very small group of men that I admire as true gentlemen lawyers in every good sense of the term. From you and them, I have learned that effectiveness and respect result from subject matter knowledge coupled with respect for one's clients, adversaries, or (in your case) appellants and appellees, without condescension or pretension. You've been an example to me of courtly demeanor, always maintaining an even keel in and out of court. (Never mind, during oral arguments, an occasional rock back in you chair with your eyes to the ceiling with the clear, but gently unspoken, message that this argument isn't flying with me!)

I've always appreciated the time you have taken to visit with me when I've been back to the court, especially when the kids were small. They were impressed that someone of such obvious stature, as evidenced by such a large office and impressive desk and all of its contents belying a very busy and important person, was a friend of their dad.

Dearest Chief,

You taught me to search for truth and find joy in my work as a lawyer. Your searing questions helped me trust my own judgment. These great gifts have made my professional life mostly a delight. Your friendship, kindness, and steadfastness are treasures. Congratulations!

Ce'Ann Wikenheiser, Law Clerk (1981)

Clerking for the Chief was the perfect conclusion of my formal legal education and the perfect beginning for my legal career. It brought together all that I had learned in law school and in a few short months, provided me with an advanced education in law. It prepared me for a law career in a way nothing else could and it gave me an advantage over my classmates and many practitioners. Compressed into that year I had the opportunity to see cases from beginning to end and to analyze representation, advocacy, analysis, and argument. It's an opportunity of which I have always been proud and an experience that I have carried with me and benefited from my entire career.

The Chief was a kind and patient mentor. He guided me in my research, analysis, and writing and was always willing to listen and explain when I was wrong and why I was right.

My experience with the Chief gave me the confidence to go it alone. When I left the Court I felt as if I had the knowledge and tools to practice law.

Jerry Schimmelpfennig, Law Clerk (1981)

I am fortunate to have worked for you for part of my year as a clerk. The court is fortunate to have you on the bench and the state is fortunate to have you as the court's chief representative.

Happy Birthday!

Jack Kennelly, Law Clerk (1982)

I worked as a law clerk for Justice VandeWalle in 1982-1983, when I was 32 years old and married with two young children. So I had some life experience by then. I joined the Marine Corps after one failed year in college, and after returning to college and graduating, I worked a variety of jobs ranging from stocking shelves in a grocery store to rough necking in the oil fields. I found that “good” people come from all walks of life. And among that class of good, honest, hardworking people, there is a narrow category that bring honor and dignity to whatever they do in life. Justice VandeWalle is one of those special people. He enriches the lives of others by simply being who he is: a sensitive, thoughtful, and caring man. Although his personal contributions to the legal profession have been great in his lifetime, I am certain had he chosen to be a farmer like his dad, his contributions there would have been equally impressive.

My best wishes to Justice VandeWalle on this special occasion.

Norman Anderson, Law Clerk (1982)

I was pleased to have had the opportunity to clerk for then Justice VandeWalle for the 1985-1986 term of court. I had just completed a two-year clerkship with federal Judge Bruce Van Sickle at the trial court level.

Having come from a very busy district court position, I initially found the appellate clerkship slow. Because of my prior district court experience, Justice VandeWalle allowed me to pick the more interesting cases to work on. He also allowed me to complete a 151-page law review article on the North Dakota Constitution in my spare time (initially printed out line-by-line in pencil!). I soon found that writing appellate court opinions can be equally fascinating, particularly if your boss is ten times brighter than anyone else you happen to know!

In one case, a medical malpractice action, I had spent a full month drudging my way through the 35 issues raised by seven lawyers and as many briefs. When the Judge and I sat down to go over the rough draft, Justice VandeWalle asked about one more issue (number 36). I noted that the additional issue had not been raised in the briefs, and Justice VandeWalle, literally off the top of his head, said, “I thought Attorney Axelrod had said . . .” and Justice VandeWalle stated what he thought the attorney had said. I went back to the tapes (of which the Judge at that time had not had access) and listened, and sure enough, not only had the attorney raised the issue, but Justice VandeWalle had repeated what the lawyer had said months ago word-for-word!

But more than brilliance, I recall more vividly the simple kindness of this man, a calmness and equanimity befitting those of true greatness. For the true measure of greatness is not just what is accomplished, but how it was done.

Congratulations, Chief! We are glad to be able to call you our friend and colleague, and that you have blessed the State of North Dakota and our country with your superb leadership. Happy Birthday!

Lynn Boughey (Law Clerk 1986)*

The year was 1988 and I was fresh out of law school and ready for the real world. “JD” planted firmly and forever at the end of my name, I was ready to be a lawyer. First job: law clerk to Justice Gerald W. VandeWalle.

As a preface, my whole family, me included, are serious coffee drinkers. I like my coffee morning, noon, and night; and I like it hotter than pre-litigation McDonalds. The supreme court was my first real experience with the inner workings of a governmental office. The first day a priority of mine was, of course, to locate the coffee pot. Those of you familiar with the layout of the supreme court offices know the maze it is. From the one and only coffee pot for this office of forty plus people, located in the reception area, to my office—the last one at the end of the maze-seemed like a half mile and forty corners. To make matters worse, I was informed that such ~~necessities~~ delicacies were not provided by the state of North Dakota. But, for \$5.00, I could join the coffee club. Recognizing that the long walk from coffee pot to office more than likely meant only a half-cup of cold coffee by the time I reached my office, I was concerned.

Using my newly acquired skills I quickly identified the issue and came up with a great solution. On day two, I brought to work my trusty two-cup coffee maker that got me through law school, plugged it in to where I am sure the current law clerks have the luxury of a PC, and life was about to be good.

*Lynn Boughey, owner of the Boughey Law Firm, Bismarck, North Dakota, is North Dakota's first Truman Scholar (N.D. 1977), a Congressional Scholarship begun in 1977. Lynn received his B.A. degree from Grinnell College, Iowa, in 1979, and his J.D. *cum laude* from Hamline University School of Law in 1983. While attending law school he served as articles editor for the Hamline Law Review, interned with a federal judge, and set up a federally funded, student-run civil commitment law clinic for the poor. He clerked for federal district judge Bruce Van Sickle 1983-1985 and then Justice VandeWalle 1985-86. Lynn has taught as an adjunct for Minot State University (1985-2000) and University of Mary (2008) and has published several law review articles and a spy novel, *Mission to Chara* (2000).

About the time that the coffee pot was in its final and very loud stage of steaming the last few drops of water into the carafe, the judge walked in to his office, which was inches from mine. In a deep, loud and seemingly stern voice he stated, “What in the world is that noise?!” Whatever comfort level I had on day one vanished in an instant. “Sorry sir, it’s my coffee pot. I’ll turn it off and get it out of here right away.” VandeWalle laughed and said most certainly not, he just wanted to know what that sound was since he had never heard it before.

I still have that coffee pot and use it whenever we go camping. I also have a thermos purchased with gift money I received from the judge on a special occasion during my clerkship (hard to believe it has been twenty years). I think of him every time I use either of them.

On a more serious note, when I think of the Chief, I think quick smile, quick wit, deep thinker, a man of integrity. I learned the best time to decide the course of action to take on an important case is in the evening when the pressing business of the day is not present, and preferably during a brisk walk. I also learned that a judge does not decide a case based upon what is right in his or her eyes, but what is right in the eyes of the law, and sometimes—more often than what a young lawyer might think—there is a difference.

Chief, I am so very thankful for the wonderful year I spent as your clerk. The experience I gained working under you, and the court as a whole, was invaluable. You were kind, patient, instructive, wise; everything a supreme court justice should be, and more. I have the highest degree of admiration and respect for you as a judge and an individual. You have and continue to be a valuable asset to our legal community, our state government, and our entire state.

Michael L. Wagner, Law Clerk (1988)
Wagner Law Firm, PC
Bismarck, ND

Justice VandeWalle, I want to thank you for the professional and personal support and guidance you have generously provided me, first during my clerkship and through these years that have followed. At the Law Clerk Luncheon held at the end of the 1993-1994 term, I recall stating that I believed the greatest benefit of my clerkship was the humanizing aspect of it. I explained how I otherwise would have been terrified to argue in front of the court (or any other court, for that matter), but thanks to my

clerkship, I would no longer have that fear. The clerkship allowed me to get to know Justice VandeWalle and the rest of the court for the wonderful, kind, generous, and brilliant human beings that they are. Well, fourteen years later, I still have not argued in front of this court or any other, having forsaken litigation and private practice for positions in corporations and government. But I still carry with me the ease, comfort, and self-confidence in knowing that, if I had ever had the opportunity, I would not have been afraid. You have been there for me, to offer your wisdom and advice on personal and professional matters, and I thank you for that. It is comforting for me to know that, if I need your advice even today, you would still be willing to take time to share it with me. Thank you for being a wonderful mentor, role model and, as such, friend.

Doug Holloway, Law Clerk (1993)

I was an older than average graduate of law school who to this day is very grateful to the Chief Justice for giving me the opportunity and privilege of serving as his law clerk in the 1994-1995 term. He is an example of civility and grace in a profession in which such examples are very important. His leadership at the court creates a very pleasant environment in which to work. Of course, this does not mean that oral arguments may not be challenging and anxious moments for attorneys.

My wife, Georgene, and I will cherish the memories we have of sharing meals and celebrations with Jerry and Blanche. Georgene enjoyed their encouragement, appreciation, and ideas for her fledgling crafting business.

I have a few anecdotal memories to share among the many. I remember delivering meals on wheels with the Chief Justice. I remember at least once when it was cold and icy and the Chief and I were slipping our way from place to place delivering the meals. The meals on wheels clients very much appreciated the man who was delivering the meals and sometimes were unable to hide their disappointment when I would show up in his place.

I remember my colleagues and I lampooning the court in our holiday skit. The Chief's penchant for chewing on pencils in court was part of the fun we had. Unfortunately the shaved pretzel disguised as a pencil that I chomped down hard on almost caused me to choke to death. Georgene told me that the Chief indicated that if I died of lead poisoning it was not his fault.

Just after Halloween someone left a bowl of suckers in the lunch room at the court. I noticed that the Chief had a weakness for suckers and began handing him a sucker just after lunch while he was on his way to oral arguments. One day he said: “Doug, I know what you’re trying to do and I wish you would stop. It might work some day.” Thus, he never “accidentally” walked into court with a sucker in his mouth.

Happy Birthday, Chief Justice VandeWalle. (As much as you insisted, I never got comfortable calling you Jerry.) Thank you for your years of service to North Dakota and the judicial system. And thank you for your confidence in me . . . and your friendship.

Doug Nesheim, Law Clerk (1994)
Johnson, Ramstad & Mottinger, PLLP
Fargo, ND

Chief,

Congratulations for your thirty years on the bench! I so appreciated the opportunity to clerk with you and have always considered the clerkship a valuable learning experience. The appellate clerkship was a wonderful precursor to the federal district court clerkship and provided perspective that I otherwise would not have had. Your pragmatic approach to the law gave me insight to this day. Your dedication, diplomacy, and determination are an inspiration.

I am a better lawyer for having clerked with you. Thanks, Chief.

Angela Lord, Law Clerk (1995)

As part of the North Dakota Law Review’s symposium issue celebrating Chief Justice Gerald VandeWalle’s thirtieth year on the North Dakota Supreme Court, I am honored to include my reflections on the Chief’s tenure with the Court. Chief Justice VandeWalle is a tireless worker and dedicated public servant to the people of North Dakota. Through his work both at the Attorney General’s office and as a member of the Supreme Court, the Chief has led by example. I am privileged to have served as Chief Justice VandeWalle’s clerk during the 1996-1997 court term. As I have told Chief Justice VandeWalle on many occasions, it remains the best job I have ever had.

Although no single memory, event, or opinion jumps to the fore, it is the collective memory of my experience that I will always cherish. I was always amazed with the Chief's encyclopedic memory of the law. I remember on more than one occasion sitting in his chambers working on an opinion when he would mention a case and then retrieve the correct Northwestern Reporter volume that contained the published version of the case, without looking at any citation service. He also could cite to the most arcane legal principles with the same authority that most of us talk about the weather or recent sports scores. To this day, I have never witnessed anyone with such a breadth of legal knowledge.

However, even more impressive than his legal acumen, I was always thankful for the infinite patience Chief Justice VandeWalle exhibited with my own shortcomings and lack of experience. He would always discuss why he changed portions of draft opinions or point out arguments he thought I missed. These tutorials were always in a collegial manner and I felt that we worked together on the opinions he assigned to me in a truly collaborative manner. Although he obviously retained the final say on everything that left his chambers, I never felt that he completely took over an opinion and wrote it himself. This was a wonderful object lesson on professionalism and mentorship that I have tried to apply in my practice when working with young attorneys.

Chief Justice VandeWalle also helped me enjoy my clerkship by taking an interest in my activities outside of the office. I worked a great deal that year as a referee for high school and youth hockey and he was always interested in discussing my games. Additionally, the times the Chief invited me to Sunday brunch with he and Mrs. VandeWalle made me feel more like part of the family more than I have felt in any job since my clerkship.

All told, the year I spent as Chief Justice VandeWalle's law clerk was like no other. He was an excellent and patient teacher during my clerkship and I am happy to say, a friend ever since. I am a better lawyer, mentor, and person because of the time I spent working with him. Any success that I have achieved in my legal career is due in no small part to my year with the Chief. I wish him all the best and continued success as the head of the North Dakota bench. He is certainly deserving of the Law Review's recognition.

James E. Smith, Law Clerk (1996)
Washington, D.C.

Dear Chief:

I write to wish you a Happy 75th Birthday, Happy 30th Anniversary on the Supreme Court, and ask that you stay right where you are.

Working for you provided great preparation in writing and research, and the day-to-day work of a lawyer. But it was also a lesson in the calling of a lawyer. In 1997-1998, you appeared to be the chairman or chief of about every organization in which you were involved. I recall that you were Chief of the Chiefs, Chairman of the law school accreditation committee of the American Bar Association, and Chief Justice of our supreme court; seemingly, all at the same time. Your busy schedule made an impression upon me; that a lawyer is called to be something more than merely an advocate for clients. Through your own work and busy schedule, I was able to see that a lawyer is called to serve his or her profession and community with diligence and sacrifice.

I was also impressed with the courtesy and professionalism that you extended to other members of the bench and bar, whether in social occasions or in arguments before the court. Chief, you are more than a thoughtful and fair judge, you are truly a kind and thoughtful person. Although I am not always successful in my effort to imitate your professionalism and courtesy, I can tell you that your example is something that I aspire to in my practice and dealings with clients and other counsel.

I suppose a birthday or anniversary is reason enough to celebrate. However, the real celebration is that this is not a retirement party. It is my understanding that you have every intention to continue your exceptional service and work as Chief Justice. It is through that service that the State of North Dakota, our supreme court and legal profession, and future law clerks will benefit from your intellect and guidance.

Congratulations, Chief. I wish you many more birthdays and anniversaries on the supreme court.

Thank you for your friendship and example.

Daniel M. Traynor, Law Clerk (1997)

Dear Chief Justice VandeWalle,

On this special occasion, I want to congratulate you and also thank you for the experience and opportunity to work with you. The year I clerked for you will forever be a professional and personal highlight of my life. The experience of working with you helped build my self-confidence and also established my desire to pursue a career in public service.

When I first learned that I would be working as your law clerk, I was extremely excited and honored. However, I also have to admit that prior to meeting you, I was a little intimidated and scared to be working with someone of your expertise. My fears were quickly dispelled. As a mentor, you provided the crucial balance between allowing me to work independently and offering guidance and direction when you felt it was needed. Through this approach, I was able to develop a confidence in my abilities that has continued to serve me well through my diverse and rapidly changing legal career.

Secondly and probably most important, working for you solidified my desire to pursue a career in public service. While clerking for you, I was able to witness first-hand your love for your job, passion for life-long learning, and selfless service to the state. It is obvious how much your career has meant to you and I have tried to instill some of that passion into my own career choices. I have always thought I would be lucky to find a job that I could love half as much as you have loved yours.

Jennifer Mattson Dick, Law Clerk (1998)

I greatly appreciate the opportunity to have worked for you, Chief. I am grateful that you dealt with me directly and honestly as a law clerk, so I understood exactly how you felt about cases. It made me understand that deciding the cases was not mysterious, but a straightforward application of law to facts. Your wisdom has I think allowed me to help my own clients by appropriately analyzing cases. I will always cherish our friendship.

Del Losing, Law Clerk (1999)

What a great way to start a legal career, with the best job for a reasonable, wise, and kind man. Plus, I got to feel like Maxwell Smart of “Get Smart” calling my boss “Chief.”

I learned from you, Chief, the importance of being reasonable while sticking to the key principles—and not to use “since” when you should use “because.” It was good to work for someone with such experience and knowledge of North Dakota case law. I remember, one time when we were discussing a draft, you said there was a case on point that used the word “amelioration” and directed me to find it. Of course, I first tried a search based on the issues in the case and soon just searched for “amelioration” and sure enough, the case popped right up.

Working for you affected my career by increasing my level of trust in our legal system, because I trusted you and your judgment.

Constance Hofland, Law Clerk (2000)

Top Ten Things I Learned Serving as a Law Clerk to the Chief . . .

- 10. It is easier to think when chewing on a pencil or hard candy.
- 9. If you search hard enough, you can locate that “one case 15 or so years ago with facts similar to these but the plaintiff’s name started with J.”
- 8. Being a justice for thirty years can be a real pain in the back.
- 7. Never hesitate to ask an “expert”—whoever that might be—for help.
- 6. A good leader knows when to take charge and lead and when to step back (or at least how to avoid being body-slammed).
- 5. When hanging in the closet at the end of a dark winter day, the Chief’s fur coat looks remarkably like the last of the wooly mammoths.
- 4. Always be mindful of the bigger picture.
- 3. All litigants deserve respect and courtesy, and the court must demand the same in return.
- 2. What it truly means to be a public servant.
- 1. The title “Chief Justice” is earned not granted.

Laurel R. Hanson, Law Clerk (2002)
Fargo, ND

Working for you had an enormous impact on my career, and more importantly, my life. You provided excellent guidance and mentoring with understanding and without demeaning. I cannot recall a single time in which you spoke negatively of an attorney personally, which provided a great example of how to separate the professional from the personal. The best advice you ever gave me was not to “worry so much,” which coming from you at that time of my life, provided me the ability to enjoy the practice of law and be able to relax and enjoy my time away from work too. It is impossible to put into words the impact working for you has had on me, as I suspect others will agree. All I can say is, I could not have had a better mentor and am profoundly grateful for the opportunity to clerk for you. Thank you.

Mitch Armstrong, Law Clerk (2003)

Chief:

It is difficult to adequately express how much clerking for you has meant to me, on both a professional and personal level. Despite the many demands on your time every day, your office door was always open. No question was too foolish for me to ask, and no conversation was too unimportant for us to pursue. It was my great fortune to have been mentored by you, to be able to draw on your vast wealth of knowledge, experience, and legal acumen. Through it all, you have inspired me with your kindness, graciousness, and generosity of spirit. It is not an overstatement to say that you have shown me the type of attorney that I want to be. Thank you for sharing your considerable talents with this young lawyer.

Kirsten Sjue, Law Clerk (2006)

Aside from the networking opportunities that arose from my clerkship with the Chief, I also gained a deeper understanding of many areas of North Dakota law. The Chief took the time to not only discuss a case with me, but to discuss the purpose of the applicable law and how the law evolved into what it is today. Perhaps more importantly, the Chief stressed the importance of representing the legal profession with dignity, whether through pro bono work, helping to shape the legal system locally or nationally, or by conducting oneself professionally and respectfully when dealing with colleagues, clients, and the public.

Ashley Samuelson, Law Clerk (2007)