

# Bench & Bar

OF MINNESOTA

## CAR MINUS DRIVER

AUTONOMOUS VEHICLES DRIVING  
REGULATION, LIABILITY, AND POLICY

A futuristic, sleek car with a robot driver. The car is shown from a side-rear perspective, with the driver's side door open. The robot driver is seated in the driver's seat, holding the steering wheel. The car's interior is visible, showing a modern, minimalist design. The background is a bright, blue, hazy sky with light rays emanating from the top right corner.

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# *'We are most effective when we maintain an even temperament and an open mind'*

*An interview with Justice Margaret Chutich of the Minnesota Supreme Court*



BY JON SCHMIDT

Justice Margaret Chutich was appointed to the Minnesota Supreme Court on March 17, 2016. She previously served for over four years on the Minnesota Court of Appeals following her appointment by Gov. Mark Dayton in December 2011. Justice Chutich had an interesting and varied career prior to joining the bench: working as an assistant dean at the Humphrey School of Public Affairs at the University of Minnesota, serving at the Minnesota Attorney General's Office as a deputy attorney general, and working as an assistant United States attorney in the criminal division. She also spent time in private practice at Opperman Heins & Paquin as well as Tanick & Heins. Justice Chutich started her legal career clerking for Judge Diana E. Murphy on the United States District Court, District of Minnesota.

Justice Chutich brings a vast range of experience to the Court. She has been widely praised as a sharp, hard-working, and excellent jurist. Justice Chutich and I recently discussed the law, parenting, and studying Croatian at the University of Zagreb.

**Jon Schmidt:** *What is something about yourself that the readers would not be able to find with a Google search?*

**Justice Margaret Chutich:** I had some hard summer jobs when I was young, including trimming Christmas trees and working in a factory. One of my best summer jobs, however, was playing piano at the Chippewa Hotel on Mackinac Island, Michigan. I played five hours every evening, three in the restaurant and two in the bar, so I had the entire day to bike, swim, play tennis, and hang out with other college-age workers. It was an idyllic summer.

**Schmidt:** *What do you think your perspective as a parent brings to the bench? Do you have advice for other working parents and how they can manage being good parents and performing at the top of their game in the legal profession?*

**Chutich:** I think my experience being a parent has helped me to be a better judge in several ways. When we interact with anyone involved in resolving a conflict—adults or children—we are most effective when we maintain an even temperament and an open mind. I try hard to follow this approach when parenting or when sitting in oral arguments in court and conferencing with colleagues. When parenting, it helps to clearly explain the basis for my decisions, especially when they are not well-received by my teenager. I strive to do the same in my opinions. In addition, being a parent has definitely improved my negotiating skills! Finally, parenting, especially parenting a teenager, is humbling, and humility is always a welcome trait in those who wear a black robe.

I hesitate to give advice to any parent because each parent knows his or her situation and child best. In my experience, the demands of parenting and my legal career were mostly manageable because my family was financially able to hire trusted child care and help at home. We were also lucky to have family and friends who could help in a pinch and have flexibility in our work. For example, I was able to work part-time from the time that my daughter was an infant to when she was eight years old. That flexibility was key in keeping our family just below the point of chaos, and staying in my field part-time enabled me to keep my skills sharp.

**Schmidt:** Tell me about your time at the University of Zagreb studying Croatian.

**Chutich:** The time I lived in Zagreb was a pivotal year. The experience helped me to understand myself better and to realize how lucky I was to live in our country of opportunity. At age 22, I went there without knowing anyone and without knowing any Croatian besides “How are you?” Because I love to talk, and because many people did not then speak English, I learned to speak Croatian as quickly as possible, but it was a lonely struggle for the first few months. Even though most Croatians were friendly, I learned what it feels like to be an outsider, to be uncertain about customs and proper behavior, to be different from the norm.

Yugoslavia was still a communist country then, and I quickly saw how basic freedoms that I took for granted—freedom of speech and religion—were curtailed. And I met kind relatives who were living on subsistence farms with little hope for a different or better life than their predecessors. It was an eerie feeling to know that if my grandparents hadn’t immigrated to the United States, I probably would have been there herding those sheep up into the foothills instead of attending school and seeing the world.

**Schmidt:** What are one or two stories from cases or matters that you worked on that have really stuck with you to this day?

**Chutich:** One of my favorite moments in my career came when, as a brand-new attorney, I had the opportunity to represent, on a pro bono basis, a Romanian man who was seeking refugee status in America. He sought political asylum because he had been tortured by the Romanian government for being a member of an ethnic minority. Another new lawyer and I took his case to trial—our first trial ever—before a federal immigration judge who ruled from the bench that our client could stay in the U.S. My client and I both cried at this dramatic victory, and this case helped me to realize from the outset of my legal career that the law could dramatically change a person’s life for the better.

**Schmidt:** How did the Humphrey School of Public Affairs at the University of Minnesota change your perspective on the law? How did that influence your decision-making as a jurist?

**Chutich:** The key perspective that I gained from working at the Humphrey School was a renewed sense of optimism. For three years, I met idealistic and dedicated students who were committed to changing the world and certain that they could have a positive effect on the “wicked” problems facing our community. This positive attitude was infectious and even now helps buoy me through tough times and difficult cases.

My time at the Humphrey School also renewed my appreciation for the practice of law. I loved my work at the Humphrey School and the people I met there. I had a broad portfolio of projects, but none of them involved practicing law *per se*. Although I loved working with smart and committed professors, students, and staff members, I realized that I missed practicing law and that it was time to re-enter the legal field.

**Schmidt:** As a judge on the court of appeals and justice on the Supreme Court you rely on talented law clerks to prepare for argument and assist with research and drafting memos and opinions. How did your clerkship with Judge Diana Murphy, then a United States District Court judge for the District of Minnesota, influence your perspective as a young lawyer? Do you think that clerkship with Judge Murphy influenced the way you approach your role as a judge? Or how you work with your clerks?

**Chutich:** My clerkship with Judge Diana Murphy influenced greatly the way that I approach my role as a judge and how I work with my clerks. I had the chance to experience close-up how a superb judge runs a courtroom, writes a well-reasoned opinion, and deals

respectfully with counsel, litigants, and court personnel.

When I began clerking for Judge Murphy, I was awed by the power of the court and a bit reluctant to even make recommendations. Judge Murphy helped me to understand the court’s role and encouraged me to be confident in my abilities. She became a mentor to me, and I have come to her for advice on many key career and life decisions. I’m grateful for her guidance and friendship, and I hope that I can play the same role for my clerks as she did with me.

**Schmidt:** You are the first openly gay justice on the Minnesota Supreme Court and one of nine LGBT state Supreme Court justices in the United States. I imagine that there were not a lot of openly gay mentors in the legal field as you were coming up in your career. What do you think your appointment means for the next generation of the LGBT legal community?

**Chutich:** When I was a new attorney, I don’t believe that I knew an openly gay attorney. Allan Spear and Karen Clark were the first openly LGBT public officials that I became aware of, and I admired their courage in coming out in a time when few public figures were doing so.

I’m hopeful that my appointment signals to the next generation of LGBT law students and lawyers that there are no barriers to achieving their dreams. LGBT lawyers can see that they belong in every area of our legal community. I’m delighted that the LGBT community can now see other LGBT judges on the bench in Minnesota and know that mentors and role models exist and are available to help.

**Schmidt:** With everything you have going on in your life and work, what do you like to do to relax?

**Chutich:** I enjoy spending time with my family, friends, and our pets. I’m often in motion because I love to be outdoors, whether it be walking the dog, golfing, playing tennis, biking, cross-country skiing, or my latest favorite activity, paddle-boarding. I really enjoy yoga, which helps to counteract the effects of all the sitting that appellate judges do. I love to play the piano and I sometimes even get out my accordion (although when my grandmother died, I lost my most enthusiastic audience). Even though my job entails much reading, I enjoy reading novels and I try to read for fun each night before I sleep. ▲



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