

# Murphy, Renner for federal judges



Renner



Murphy

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In the end, says an aide to President Carter, the decision to nominate a federal judge is "inescapably political."

Thus late Wednesday did Vice President Walter Mondale announce that the names of Robert Renner and Diana Murphy will be submitted to Congress as nominees for the two new federal judgeships in Minnesota.

Both, it is said, are well-regarded in legal circles. But, it is quickly added, neither likely would have been nominated were it not for some unique political circumstances.

Murphy, 44, a Hennepin County district judge and a DFLer, was still in law school five years ago. She was named to the municipal bench in 1976 and was promoted to the district bench two years later.

A member of the commission that chose her and nine other finalists says that the group was troubled by Murphy's relative lack of experience. And he and others suggest that the American Bar Association, which reviews the qualifications of all candidates, may also find that troublesome.

In fact, the ABA's Standing Committee on Federal Judiciary has taken the position that, "ordinarily, a prospective appointee to the federal bench should have been admitted to the bar for at least 12 to 15 years" and should have "substantial trial experience, as lawyer or trial judge."

The nominations of Murphy and Renner must be confirmed by the U.S. Senate. While the ABA does not play an official role in the confirmation of a candidate, its recommendation, based on extensive investigation, traditionally has been persuasive.

### Presidential promise

But when Carter took office and learned that of the more than 400 federal judges across the country, only five were women, he said he'd appoint more women. Murphy's nomination is seen as a direct result of that presidential promise.

"If you're going to have minorities and women on the bench," says the screening committee member, "you have to sacrifice experience, because they just don't have much. That's a new thing in the past 10 years."

Renner, 56, a U.S. magistrate, has more experience. He was U.S. attorney in Minnesota for eight years, until 1977, when he became a magistrate. Magistrates perform many of the routine judicial chores that otherwise would tie up a judge's time.

Studies have shown that 95 percent of all federal judgeships are awarded to members of the president's political party. But Renner is a Republican.

His nomination was the product of "senatorial courtesy," a practice dating to the administration of President George Washington. Because a federal judgeship is a political plum, and because all nominees must be approved by the U.S. Senate, senators traditionally have had the right to pick their state's nominees.

But Minnesota's situation is unusual. While its senators, David Durenberger and Rudy Boschwitz, are Independent-Republicans, the leading figure in Minnesota's DFL Party, Mondale, happens to sit at the president's right hand.

After two months of negotiation, Mondale and the two senators agreed to appoint one member of each party to fill the judgeships.

Of the Republicans Mondale had to choose from, Renner was the known quantity, the one with the track record, say members of the legal community.

"Renner enjoys an exceedingly high reputation among everybody," says a member of the screening committee chosen by the senators and Mondale. "As a U.S. attorney, you never heard anything negative about him. He was that fair-minded. His reputation preceded him as far as the com-

mittee was concerned."

Another observer of the courts says, "You know Bob Renner is apolitical. You couldn't get more apolitical." So if Mondale had to appoint a Republican, Renner was his man.

For that reason, Renner's nomination had been rumored for months. Murphy's was more surprising.

Mondale is known to have been subjected to considerable pressure from members of the state's Jewish community to appoint Sidney Abramson, 42, a Ramsey County district judge since 1971. Minnesota has never had a female or Jewish federal judge.

"Every financial backer Mondale ever had has been calling him up about this one," says a Mondale associate. "And the way Carter's going, Mondale may wind up running for the Senate here in 1982."

The choice of Renner and Murphy doesn't mean that there is nothing in store for Abramson, however.

There is an opening on the 8th Circuit Court of Appeals in St. Louis, which hears appeals from federal courts in Minnesota and six other states. Harry MacLaughlin, a federal judge in Minnesota and a longtime friend of Mondale's, is considered a candidate. Abramson could move into MacLaughlin's

chair.

Murphy is a 1974 graduate of the University of Minnesota Law School. She is a member of the Minnesota Bar Association's Board of Governors and is a former chairman of the Minneapolis Charter Commission and of Operation De Novo, a pretrial diversion program for first-time offenders.

Renner is a graduate of Georgetown University Law School. He was a member of the Cass County attorney's office, in northern Minnesota, from 1950 to 1953 and was a state representative from Walker from 1957 to 1967. His son, Robert Jr., is an assistant to Gov. Al Quie.