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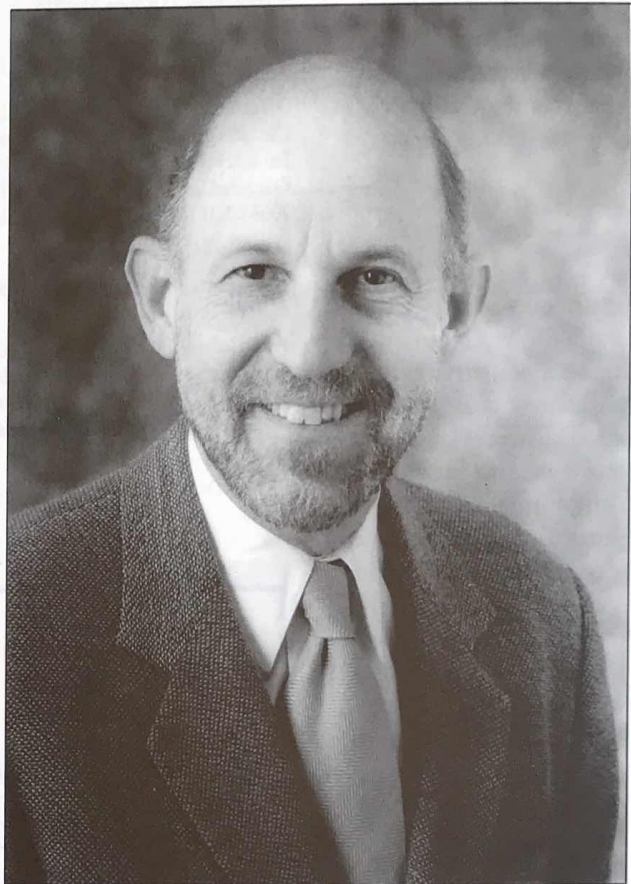


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SPOTLIGHT

JUDGE MEL DICKSTEIN



EDUCATION

- 1973 J.D., UNIVERSITY OF MINNESOTA
LAW SCHOOL
- 1969 B.S., UNIVERSITY OF MINNESOTA

CAREER

- 2002 HENNEPIN COUNTY DISTRICT COURT
- 1978 ROBINS, KAPLAN, MILLER & CIRESI
- 1974 ASSISTANT U. S. ATTORNEY,
DISTRICT OF MINNESOTA

The gang of bank robbers from Kansas City had been holding up banks the old-

fashioned way: with stockings pulled over their heads, they ordered everyone down on the floor, jumped over the counter, scooped up all the money in sight, and dashed off in a stolen getaway car. They would then ditch the getaway car, along with their stockings, overalls, and gloves, and escape in a switch car. They had foiled law enforcement for years. Arrested once, they were set free due to a lack of positive eyewitness identification.

Two years later, one of the suspected bank robbers, Gary Roberson, was convicted of a crime in another state and received a lengthy

sentence. Roberson was brought to Minnesota to appear before a federal grand jury, and, while waiting in jail, met with a young assistant U.S. attorney named Mel Dickstein. The government had some circumstantial evidence against the gang of bank robbers, but what it needed was eyewitness identification. Roberson could provide that, but of course he wanted a *quid pro quo* for his testimony. The young prosecutor told him that there would be no *quid pro quo*. Roberson could trust him, or not trust him, but there would be no promises. Eventually Roberson testified, identifying the other bank robbers and detailing their participation in the crime spree.

Judge Dickstein, one of the newest additions to the Hennepin County bench, recalls the trial: "There were five excellent lawyers on the other side. When closing argument came, they all attacked Roberson. By the time their five arguments were done after about 32 hours, one would have thought that Roberson was the devil incarnate." In rebuttal, then-prosecutor Dickstein referred to the many pieces of literature and scripture that the various defense counsel had quoted, and offered up his own favorite poem. He recalls his rebuttal this way:

The poet Robert Frost told the story about someone who came to a fork in life and he had a choice as to which path he was going to take. Gary Roberson had that same choice here today. He could continue in the criminal milieu or he could extricate himself; he could separate himself from it. And once he testified, he was going down a path from which he could not return because no one would trust him ever again. Frost said it this way: "I shall be telling this with a sigh: somewhere ages and ages hence: two roads diverged in a wood, and I—I took the one less traveled by: And that has made all the difference." Gary Roberson will be able to say that someday and he will be able to say it with pride.

The jury believed Roberson and convicted the gang of bank robbers. And so went one of the many dozens of trials conducted by Mel Dickstein during his tenure as an assistant U.S. attorney, all resulting in convictions save for one of his earliest cases, in

which the defendant was represented by then-future, now-former Hennepin County judge Richard Solum.

Retired FBI agent Dag Sohlberg says that Judge Dickstein "quickly distinguished himself as an assistant U.S. attorney. Somewhat incongruously, he was a favorite of FBI agents because of his prosecution skills, while at the same time criminal defendants expressed appreciation for the even-handed manner in which he handled their individual cases." Judge Dickstein looks back on his time as a prosecutor with pride, and cites with appreciation the role that U.S. Attorney Robert Renner and first assistant Thor Anderson, both of whom later became judges, played in his development as a lawyer.


Judge Dickstein moved to Minnesota from New York at the age of 14, graduated from the University of Minnesota, *summa cum laude*, in 1969, and earned his law degree from the University of Minnesota Law School in 1973. After trying criminal and civil cases on behalf of the United States for four years, he went into private practice in 1978. He was attracted to the litigation

strength of the Robins, Kaplan, Miller & Ciresi firm and, besides representing criminal defendants, soon built a reputation in the area of complex insurance litigation.

One of the firm's clients, Jack Pomeroy, senior vice president, general counsel, and secretary of Factory Mutual Insurance Company, says that Judge Dickstein "handled matters of extreme professional complexity as well as matters of exceptional personal sensitivity, actions in which hundreds of millions of dollars were at risk and others where the dollars were comparatively small, but the importance of the principle was overriding." According to Pomeroy, Judge Dickstein has "unbounded energy, total integrity, and seasoned legal ability, and was willing to tell a client what he doesn't want to hear, but should."

One of Judge Dickstein's most memorable cases with the Robins firm involved a massive fire in a Philadelphia high-rise office tower. Dozens of individual and class action

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
lawsuits were filed, with claims totaling around a billion dollars. "It was a hugely challenging case and one of the most satisfying professional endeavors in which I have been involved," recalls Judge Dickstein. "It was especially satisfying because a case of that magnitude is a team effort. It necessitates working with a number of lawyers and a number of outside experts. It was the type of case that showcased the strength of the firm because there were people at the senior partner level, junior partner level, associate level, paralegal level, and staff level, all of whom came together to give a tremendous effort that was ultimately successful." His former partner, Dick Allyn, head of the Robins firm's insurance litigation group, says that Judge Dickstein "practiced law with a great deal of care and intelligence, qualities that will make him an excellent judge."

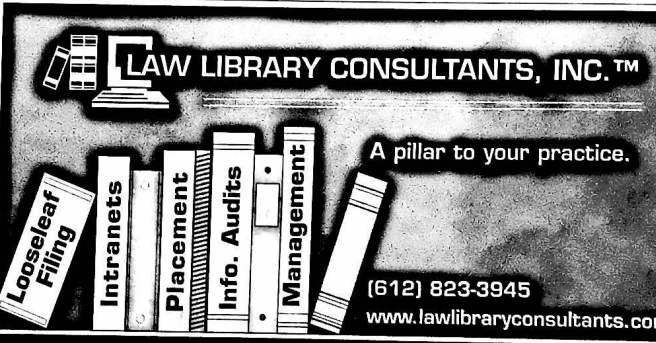
True to his favorite poem, Judge Dickstein and his wife, Linda Foreman, have taken many roads less traveled. They have hiked and backpacked their way across the Pyrenees, the Alps, and the Himalayas in Nepal, Bhutan, and Tibet, as well as rugged terrain in Alaska, northern Minnesota, Michigan, Arizona, and other places around the United States. They and their 4-year old son, Thomas, recently spent a year living in Switzerland. "Every time we have traveled, particularly to foreign countries, we've been exposed to people, traditions, and issues with which we simply would not otherwise have had the opportunity to become familiar," he says. Here in his own community, Judge Dickstein has played a key role with several nonprofit organizations, including the Greater Minneapolis

Crisis Nursery and the Northern Clay Center. Kathleen Schaaf, past executive director of the Crisis Nursery, praises Judge Dickstein for his "peaceful presence and inclusive and open nature," and calls him "candid, open, honest, and fair."

During his time at Robins, Kaplan, Miller, & Ciresi, Judge Dickstein practiced in federal and state courts across the United States and, he notes, appeared before judges of every type. He feels that being exposed to so many different judicial styles, temperaments, and abilities "was valuable experience to bring to the job of a state court judge in a large metropolitan area like Hennepin County."

Judge Dickstein believes that the three rules for being a good trial lawyer are "prepare, prepare, prepare," and is approaching his judgeship in that same way. Besides learning the court's procedures and becoming an ardent reader of all the advance sheets, he has also spent several weeks shadowing judges and observing their approaches to cases. Says the new judge: "I am impressed with the humanity that the Hennepin County judges bring to their work, and with the level of courtesy and graciousness with which the judges treat people who come before them."

Based on his time as a prosecutor and in private practice, Judge Dickstein brings to the court a reputation for being tough and aggressive. "But the job of a judge is greater than being tough and aggressive," he points out. "You have a broader array of interests to serve in the larger community. One must be not only tough and aggressive, but compassionate and feeling and commonsensical and practical. And I hope to bring all of those attributes to the court." 



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