

## Judge Swenson spends retirement sitting on bench, but not the one on the sidelines

By Paul Gustafson  
Staff Writer

It was just another day of retirement for Judge Glen Swenson.

Having cleared the Sherburne County District Court calendar by 2:15 p.m. last Monday, Swenson called the 10th Judicial District Court administrator's office in Anoka to see if there was work for him elsewhere. They told him all was quiet, but the 74-year-old judge got into his car and drove to the Anoka County Courthouse, anyway.

When court clerk Jane Morrow tracked him down an hour later, Swenson had found lawyers with motions to make, collected the necessary courtroom personnel and gone to work.

A half-hour later, with the courtroom empty again, Swenson was on the



**Judge Glen Swenson**

move. Tugging off his black robe before he hit the courtroom door, he headed for a small, vacant office to sign orders.

Swenson tears through court calendars with a zest his colleagues compare to a 40-year-old's. He's a hip-shooting, plain-talking country lawyer who came to the bench after a career as a private attorney, prosecutor and legislator. He has worked full-time since he officially retired at the end of 1983, and has handled some of the 10th Judicial District's toughest cases since then.

"He's one hell of a hard-working judge," said Chief Judge Peter Popovich of the Minnesota Court of Appeals.

"We have a little joke around here: if there's a case file missing from your desk, you better check with Glen," said Anoka District Court Judge James Gibbs.

Swenson's speed, and his willingness

Judge continued on page 7A

## Judge Continued from page 1A

to circuit-ride in 1984 from Buffalo and Elk River to Stillwater and Pine City, helped the understaffed 10th district keep its caseload current, said Paul Westphal, court administrator.

The district has 23 permanent judges, 4.4 fewer than a 1983 state analysis found it needed to handle its eight-county caseload.

"In 1984, Glen was a 'free-lancer.' He went wherever we needed him," said the district's chief judge, Spencer Sokolowski. "And, oh, oh, did he help our caseload!"

Last year, Swenson wiped out a backlog of 700 Conciliation Court cases in Anoka County in less than two weeks.

"I said, 'Put on 20 cases an hour,'" said Swenson. "I went right straight through, and only had three appealed . . . Not too bad."

Swenson and First District Court Judge Lawrence Lenertz were the only two retired judges in the state to work full-time last year, according to the state court administrator's office. Swenson's paid on a per-diem rate equivalent to a judge's \$65,000 a year salary, but it's reduced by his \$400-a-month judge's pension. He also works without vacation or benefits.

Popovich said the percentage of Swenson's decisions reversed by higher courts is well below the state-wide average. But his methods sometimes raise the eyebrows of younger lawyers.

In divorce cases, Swenson has sometimes prodded property settlements by threatening to auction disputed items and divide the cash.

"In one case, the auction actually started, but the parties agreed to settle 10 minutes later when the wife bid on her husband's fishing boat," Gibbs recalled.

"Glen appears to be shooting from the hip. But you have to remember . . . he's got 50 years in the law profession, and experience as a legislator and a county attorney," said Gibbs.

"There's a whole lot of thoughts that go through his mind before he shoots."

Attorneys note that Swenson appears to get more than his share of the district's touchy cases:

■ Last month, he handled the hearing that resulted in an injunction closing a Fridley health club accused of engaging in prostitution.

■ In 1984, he ruled that Anoka officials had illegally singled out a critic of the police administration for prosecution on gambling charges, and threw out the case.

■ In 1980, Swenson ordered Anoka County Commissioner Doug Ryan's election overturned for unfair campaign practices. The Minnesota Supreme Court reversed the decision, but warned candidates it would adopt Swenson's dim view of questionable campaign tactics in the future.

"I tell 'em, 'Give me anything you don't want. If it's a hot potato, give it to me,'" Swenson said.

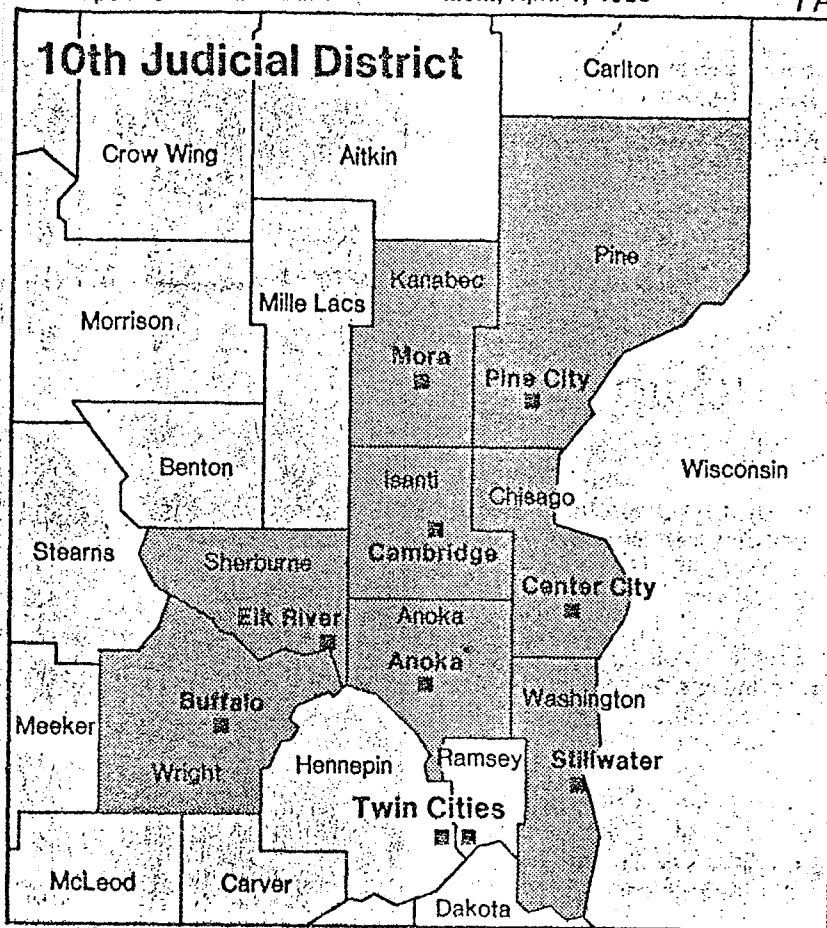
"Even judges worry, 'what effect will this have on my election?' But I'm retired, I don't care . . . I call them as I think they should be called. I go home, and I sleep good."

Swenson, the son of a Buffalo lumberyard owner, graduated from the University of Minnesota Law School in 1935, then returned home about the same time his lifelong friend and fellow attorney Walter Johnson did.

"Walter filed for county attorney first. The only office left was county treasurer, so I filed and won," said Swenson. "I was practicing law out of the treasurer's office on the side — it only got busy at tax time."

Swenson served in the South Pacific during World War II as an Army counterintelligence officer. While on leave in New Zealand, where he and a buddy escorted Eleanor Roosevelt on a tour of military hospitals, Swenson met his wife, Lora, a court reporter.

Swenson renewed his law practice in Buffalo after the war, then ran as a conservative and won a seat in the Minnesota House in 1952. He served there 10 years, then won a four-year term in the Minnesota Senate. He retired from the Legislature in 1966 and became Wright County Attorney.



Star and Tribune map

Swenson had to fight to become a judge, went to court against the state to remain one, and has no intention of hanging up his robe anytime soon.

When Wright County officials decided to create a new county court judgeship in 1972, Swenson decided he wanted the job. But "the chief county court judge wasn't sure he wanted me; he didn't think he could handle me," said Swenson.

"I called Warren Spannaus (then attorney general) and told him, 'The governor had no right to make an appointment. It's a new position — it has to go up for election.'"

Spannaus agreed, and Swenson was elected without opposition.

He was required to hang up his robe in 1980 under Minnesota's mandatory judicial retirement law. Instead, he filed a suit challenging the constitutionality of the law.

Swenson got an order keeping him on the bench, and reached a settlement with the state in which he agreed to retire Dec. 31, 1983.

But when that day rolled around, Swenson had an assignment order from the Minnesota Supreme Court permitting him to sit as a retired

judge when needed in the 10th district.

"I retired on a Friday, and was back on the bench the next Monday," he said.

Colleagues say Swenson can slice quickly through a caseload because he aggressively seeks out-of-court settlements and seldom grants continuances.

"One thing he'll do as opposed to what I would do is tell attorneys, 'Tell me your problem, and I'll tell you what I would do (in court),' " said Sokolowski. "Not too many judges would do that."

"I'm pushy on getting settlements," Swenson acknowledged. "If I think a case should be settled, I tell the attorneys, and I tell 'em what I think it's worth."

"Some judges say, 'Why don't you let the attorneys try the case?' I say if you can get one settled, you're saving the disputants and the taxpayers money."

"I do shoot from the hip — I admit it," says Swenson. "But law is common sense . . . and experience is the best teacher of all."