

## Miles Lord: The Maverick Judge Who Brought Corporate America to Justice

Roberta Walburn

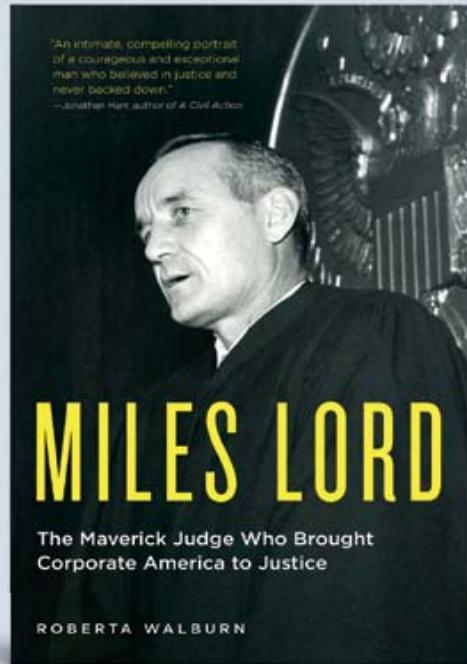
(Minneapolis: University of Minnesota Press, 2017, 400 p., Cloth, \$29.95.)

In *Miles Lord: The Maverick Judge Who Brought Corporate America to Justice*, Roberta Walburn tells the story of the man Hubert Humphrey once described as “the people’s judge” and who was perhaps the most consequential (and controversial) judge ever to serve on the US District Court for Minnesota. The book is structured through alternating chapters that juxtapose Lord’s life (1919–2016) with his involvement in what was, at the time in the 1980s, one of the largest tort liability cases in the country—the litigation for the Dalkon Shield intrauterine contraceptive device (IUD). Walburn’s approach reveals the threads that ran through Lord’s life and guided his judicial decision-making.

Miles Lord was born on Minnesota’s Iron Range, coming of age during the Great Depression. After serving in the air force during World War II, he attended the University of Minnesota Law School, graduating in 1948. Though not a member of the Democratic-Farmer-Labor Party’s founding generation, as a young attorney Lord entered Hubert Humphrey’s orbit and was twice elected Minnesota attorney general. Later, Lord served as US district attorney.

In 1966 President Lyndon Johnson appointed Lord to the federal bench, where he served for nearly two decades. Lord gained a reputation that led one reporter to observe: “You will either applaud his conduct on the bench, or you will deplore it.” In 1972, Lord presided over the district court case that opened the door for girls to participate with boys in high school interscholastic athletics, and two years later, the Reserve Mining case, which shut down a taconite processing plant polluting Lake Superior. Both were landmark decisions rooted in Lord’s sense of justice, even if his actions in the latter resulted in the US Court of Appeals for the Eighth Circuit removing him from the case for bias. But it was the Dalkon Shield litigation that cemented Lord’s reputation as an “activist” judge.

Peak usage of the birth control device—more than 2.8 million women—occurred in 1974, the same year its manufacturer, A. H. Robins Co., stopped selling it. A design flaw caused infections that led to septic abortions, hysterectomies, and, in more than a dozen cases, death. Robins did not issue a recall lest this give credibility to the more than 300,000 lawsuits filed against it. Despite knowing the device’s health risks, A. H. Robins refused to admit liability and instead maligned the character of victims. When a handful of these cases came before Lord, he exercised every power in his arsenal (some explicitly granted, others not) to seek justice for the affected women. The ensuing chain of events culminated in the



bankruptcy of A. H. Robins and a judicial review of Lord’s professional and judicial conduct. (He was exonerated.)

The activism Lord engaged in openly, many do privately. In Lord’s eyes, the law was not neutral, and he often observed, “There is one set of laws for the rich and powerful and another for the poor and oppressed.” Walburn’s book illustrates that Lord loved a good fight, and that he was ambitious. But he coupled this ambition with lessons learned from a lifetime of service: that those with the power to make the world a better place had a duty to do so.

Walburn’s unfettered access to Lord’s personal papers also reveals the role he maintained in partisan politics—from recommending Walter Mondale and Muriel Humphrey for their respective US Senate appointments to playing a critical role in the 1968 presidential election. That year he served as a mediator between the rival campaigns of his close friends Vice President Humphrey and Senator Eugene McCarthy, trying to work out a compromise over their disagreements on the Vietnam War.

Walburn’s experience as a journalist, lawyer, and Lord’s law clerk makes for an impressive and engaging work that should appeal to historians and general readers alike. It is as much a biography (Lord’s) as a memoir (Walburn’s) that reads like a John Grisham thriller. Walburn’s personal friendship with the judge lends itself to good storytelling; however, it also leads in places to a noticeable lack of distance between the author and her subject. Even so, *Miles Lord* fills a gap in the Minnesota historical literature.

—Joshua Preston