

NEWS

David Herr, influential Minneapolis lawyer and son of St. Paul, dies at 71

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PUBLISHED: January 27, 2022 at 9:57 a.m. | UPDATED: January 27, 2022 at 6:16 p.m.

A professional, a foodie, a mentor and “wickedly funny” were some of the words friends used to describe David Fulton Herr, a prominent Minneapolis attorney and St. Paul resident.

Herr died Dec. 22 at age 71 after a six-month battle with amyotrophic lateral sclerosis, or ALS.

According to the Maslon law firm in Minneapolis, where Herr was a partner, his work during his 43 years of practice had a significant impact on state law. He authored more than 15 treatises on Minnesota and federal law and was a mentor to hundreds of lawyers.

“It’s not an exaggeration to say that your books have been among the most influential in training lawyers,” Eric Janus, president and dean emeritus at Mitchell Hamline School of Law, said to Herr at a recent tribute event. “Your books have been used by over half the litigators in the U.S. at one time or another in their careers.”

Herr was born July 13, 1950, in the old Miller Hospital, now United Hospital, in St. Paul. He attended Linwood Park School and St. Paul Academy, graduating from





David Herr (Courtesy of Maslon LLP)

ogy, English and political science and an MBA in finance before relocating to St. Paul to attend law school at William Mitchell College of Law, now Mitchell Hamline, graduating with honors in 1978.

He and his wife, Mary Kay, had two sons, Ehrland Akasha Truitt and Alec Fulton Herr.

“I’ve always known he was really good lawyer,” his wife said. “But I know him



He clerked in Minnesota district court during law school, then began his career with the Minneapolis firm Robins Kaplan. In 1981, he began his 40-year association with Maslon, in their litigation group, where he became a highly regarded appellate lawyer, complex case litigator and managing partner. He regularly argued cases in the Minnesota appellate courts and the U.S. 8th Circuit Court of Appeals.

Eric Magnuson, former chief justice of the Minnesota Supreme Court, who knew Herr since law school when they both clerked at Hennepin County District Court, called him a “consummate appellate lawyer” and “a skilled and knowledgeable trial lawyer.”

“David made Maslon a better place through the quality of his lawyering, his role in firm management and his unending support of younger lawyers in the firm,” said Mike McCarthy, chair of the firm’s governance committee.

Herr held a number of leadership roles to advance the legal profession and served as president of the American Academy of Appellate Lawyers and as president of the Academy of Court Appointed Masters, among others.

He co-founded and served on the board of the Minnesota Supreme Court Historical Society, chaired the United Hospital Foundation board and served on the board of directors of the Innocence Project of Minnesota. He also taught at William Mitchell for more than 30 years.

On Dec. 3, at a Lifetime Achievement Celebration for Herr, Gov. Tim Walz called Herr a “visionary” and a “giant in the legal profession.”

St. Paul Mayor Melvin Carter declared Dec. 3, 2021, to be “David F. Herr Day” and praised him for his “enduring commitment to justice and community service.”

Herr was a lifelong member of St. Paul’s House of Hope Presbyterian Church, where a memorial service is planned for spring.

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covered the Ramsey County Board of Commissioners, the northern Ramsey County suburbs, and weekend breaking news. While at the Port Huron Times Herald in Michigan, she covered the environment and several suburbs, and she was a columnist.

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