

BACK STORY

IN MEMORIAM: HON. E.M. “AL” GUNDERSON (1929-2010)

BY M. SCOTT MCKENNA, ESQ.

E.M. “Al” Gunderson was born of Norwegian heritage in Minneapolis, Minnesota on August 9, 1929. According to former law clerks and associates, Gunderson’s journey toward ultimately serving as a justice on the Nevada Supreme Court was a circuitous and unlikely one, marked principally by hard work, but also by several detours along the way.

As reported in the Las Vegas Review-Journal, attorney Bill Curran, who began his legal career by clerking for Gunderson, said of the jurist, “He came from the wrong side of the tracks. He not only didn’t finish high school, he didn’t finish several high schools.” Thus, after completing his high school G.E.D., Gunderson displayed it proudly along with his diplomas from university and law school.

Newspaper reports indicate that Gunderson was particularly proud of having served his country as a paratrooper during the Korean War. A 1992 story published in the Las Vegas Sun states that Gunderson was a parachute rifleman in the U.S. Army’s 11th Airborne Division, his military service interrupting undergraduate studies at the University of Minnesota (1949; 1951) and University of Omaha (1947-48; 1952).

According to the Las Vegas Review-Journal, after undergraduate school Gunderson initially planned to travel to the West Coast to pursue a maritime career, but stopped in Las Vegas. Gunderson worked in the casino industry for a year, earning \$7 per shift, before resuming his education. Gunderson graduated with his J.D. in 1956 from the Creighton University School of Law in Omaha, Nebraska.

Following his graduation from Creighton and an additional year of legal studies at the John Marshall School of Law in 1957, Gunderson returned to Nevada to practice law in 1958. After practicing law for 12 years, Gunderson was elected to the Nevada Supreme Court in November of 1970, taking his place on the court in 1971. Gunderson served on the high court from 1971 through 1989, including three terms as chief justice.

During his 18 years on the Nevada Supreme Court, a career that spanned more than 13,000 cases, Gunderson made friends as well as enemies. According to John L. Smith of the Las Vegas Review-Journal, Gunderson was, to his friends, “an almost mythical American character come to life, a pugnacious courthouse colossus who, as chief

justice of the state Supreme Court, never ducked a donnybrook and meted out Nevada-style justice honorably and with either fist.” As explained by a longtime friend, Gunderson “could be a bully, but in his mind he was standing up for people that the people he was going after were persecuting. With all the power he had, he never really used it for personal gain.”

During his time on the Nevada Supreme Court, Gunderson also continued to further his legal

education, receiving his L.L.D. from the California Western School of Law in 1980 and his LL.M. from the University of Virginia in 1982. Notably, Gunderson was also instrumental in creating the Nevada Judges Foundation, an entity established to train individuals without law degrees who served as justices of the peace and on municipal courts in Nevada.

After retiring from the Nevada Supreme Court, Gunderson continued his service to the law. He worked part-time as a senior justice and accepted a professorship at Southwestern University Law School.

As opined in the Las Vegas Sun, “Gunderson is remembered as a staunch civil rights advocate who easily made friends with common folk, regardless of race or income status.” According to the Associated Press, Lupe, Gunderson’s wife of 45 years, said her husband was a champion for the underdog who tried to ensure everyone was treated fairly under the law. ■

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